

CHAPTER 368—H. F. No. 838.

An Act amending chapter 126 of the General Laws of Minnesota for 1909, relating to the creating of an additional judge for the district court of the Eleventh Judicial District, and the providing for holding terms of said district court.

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

Terms of district court at Hibbing, Virginia and Ely.—Section 1. That chapter 126 of the General Laws of the State of Minnesota for 1909, entitled "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 and the same hereby is, amended so as to read as follows:

"Terms of district court at Virginia, Hibbing and Ely, St. Louis county.—Sec. 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 first Tuesday of April and the fourth Tuesday of August and the first Tuesday of December, in each year, and in the village of Hibbing on the first Tuesday in February and June and the fourth Tuesday of October in each year, and for adjourning any one of said terms held at Virginia, to the city of Ely, when in the judgment and discretion of the court it is deemed expedient so to do, 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 or village of Hibbing.

Provided further, that in any action involving the title to real estate if the plaintiff shall in his summons and complaint state that he desires such action tried at the city of Virginia or the village of Hibbing such action shall be tried at such city or village, unless the defendant or any one of the defendants in said action shall in his answer demand that said action be tried at the county seat.

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 said 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.

Provided further, that such regular terms of court shall not be held at the village of Hibbing, as aforesaid, and such adjourned terms shall not be held at the city of Ely as aforesaid, unless the said village of Hibbing and said city of Ely shall have previously, without any expense to the county of St. Louis, provided suitable rooms for the holding of such terms of court and the accommodation of the clerk and a proper place for the confinement of prisoners during such terms.

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 and at said village of Hibbing, at least once in each month, on such days and at such times as the court may designate by order, for the hearing of such matters as are usually heard at special terms and at chambers in the district court.

Officers of court.—Sec. 3. There shall be at all times a chief deputy sheriff of said county and a chief deputy clerk of said district court and such other deputies as may be necessary, resident at said city of Virginia or village of Hibbing and their appointment shall be made in the same manner as other deputy sheriffs and deputy clerks of the district court in said counties.

The salaries of such deputies shall be fixed and paid in the same manner as other such deputies, except that the salary of such chief deputies shall be not less than \$2,000 per year.

But the offices of said deputy sheriff and the offices of said deputy clerk at Virginia and Hibbing 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 duties, relating solely to proceedings tried or to be tried at said city of Virginia or village of Hibbing, except that marriage licenses and naturalization papers may be issued by said deputy clerk.

Commissioners to furnish adequate accommodation.—Sec. 4. It is hereby made the duty of the board of county commissioners of said county of St. Louis, to furnish and maintain 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 deputies herein provided for, and the county attorney

and his assistants and the district judges of said district and the official court reporter for their traveling 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, except when in the discretion of the court, there will be no necessity of drawing a grand jury, the court may enter its order directing that no grand jury be summoned for the particular term therein mentioned.

Appeals.—Sec. 6. All appeals from municipal courts and from justices of the peace, shall be heard and tried at the place of holding regular or adjourned regular terms of said district court which is nearest to the court appealed from, by the usual routes of travel.

Provided, that by consent of the parties any such appeal may be tried at any other place in the county where regular terms of said district court are held.

Trial of criminal cases.—Sec. 7. All persons bound over to the grand jury, charged with a criminal offense, by any justice of the peace or municipal court, shall be tried at the place of holding regular terms of said district court which is nearest to the court binding said party over; except as hereinafter provided; and all criminal offenses committed in any city, village, township or unorganized territory shall be tried at the place of holding the regular terms of said district court which is nearest to said city, village, township or place where said offense is committed. *Provided* that when said offense is committed nearer to Virginia or Hibbing than to the county seat, the party committing said offense shall be tried at the first term of court to be held at either Virginia or Hibbing at which a grand jury is in session.

Provided further, that when such offense is committed nearer the city of Ely than any of the other places referred to, said cause, in the discretion of the court, may be tried at said city of Ely.

Trial of civil actions.—Sec. 8. All civil actions brought in the district court of said county against any person or persons residing in said county, shall be tried at the place of holding regular or adjourned terms of said district court which is nearest to the residence of said party or parties, or the majority thereof, by the usual routes of travel, unless the place of trial shall be waived by the defendant or defendants, and for the purpose of determining the place of residence of a corporation, the location

of its principal office in said county shall govern. *Provided*, however, that if the territory affected by this act be formed into or become a part of any new county, such fact shall in no manner affect the holding of terms of court at any of the places designated in this act.

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

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 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 all causes to be tried at Virginia or Hibbing and filed in court, shall lie filed and be kept on file at the clerk's office in the city of Virginia.

In all actions tried at the city of Virginia or the village of Hibbing, the clerk of said court, as soon as final judgment is en-

tered, shall forthwith cause such judgment to be docketed in his office at the county seat; 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 or said village of Hibbing, involving the title to real estate, upon final judgment being entered, all the papers in said cause shall be filed in the clerks' office at the county seat and the final judgment or decree recorded therein, and a certified copy of all papers in said cause shall be made by the clerk and retained at the clerk's office in the city of Virginia, without additional charge to the parties to said action.

Power of judges.—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.

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, any one or more of whom shall have and exercise the powers of 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 said district court.

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

To act in joint session.—Sec. 13. 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. 14. 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.

And the said judges or any two of them may designate one of their number whose duty it shall be to act as judge of the juvenile court at Virginia in said county to hear and determine cases arising under the provisions of chapter 285 of the General Laws of 1905, and all cases affecting dependent, neglected and delinquent children under the law; and all authority of said chapter 285 shall be applicable to said court; and the same shall be known as "The Juvenile Court of Virginia."

Said juvenile court of Virginia shall have concurrent jurisdiction with the juvenile court heretofore established in said county in all cases under said act.

That the terms of said juvenile court shall be at times specified at the judge of said court.

The special terms of said court may be held in the village of Hibbing on the order of said court.

The deputy clerk in charge of the business of the district court at Virginia shall be clerk of said juvenile court without additional compensation.

Sec. 2. All laws and parts of laws inconsistent with this act are hereby repealed.

Sec. 3. This act shall take effect on the 15th day of May, A. D. 1911.

Approved April 20, 1911.

CHAPTER 369—H. F. No. 854.

An Act prohibiting the inducing or procuring of minors and other persons to whom the sale of intoxicating liquor is by law forbidden, to enter or visit saloons or public drinking places for the purpose of obtaining intoxicating liquors, and providing a penalty therefor.

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

Gross misdemeanor for enticing minor into a saloon.—Section 1. Any person who shall assist, procure or induce any minor or other person to whom the sale of liquor is by law forbidden, to enter or visit any saloon, bar, buffet or public drinking place for the purpose of obtaining intoxicating liquors, shall be guilty of a gross misdemeanor, and upon conviction, shall be punished therefor according to the laws of the state.

Approved April 20, 1911.