

Section 1. **Amount to be received by commissioners of Crow Wing county.**—That in all counties having not less than thirty-five nor more than forty congressional townships, and having an assessed valuation of not less than fourteen million and not more than sixteen million dollars, the several members of the county boards shall receive a salary of \$500.00 per year, to be paid in twelve equal monthly installments, which shall be in full for all services upon the county board; and each member of such county board shall also receive three dollars (\$3.00) per day for each and every day necessarily occupied by him in the discharge of his official duties while acting on any committee under the direction of the board, and ten cents per mile each way for every mile necessarily traveled in attending such committee work, and shall also be entitled to mileage of ten cents per mile each way for every mile necessarily traveled for attending meetings of the board, not to exceed twelve meetings in any one year; and in addition the chairman of the county board shall receive ten cents per mile each way for going to the county seat to sign warrants during recess of the county board.

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

Approved April 23, 1915.

CHAPTER 299—S. F. No. 362.

An Act to amend Sections 9 and 13 of Chapter 34 of the Special Laws of 1889, entitled "An Act to consolidate and amend the several acts relating to the municipal court of the city of Minneapolis.

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

Section 1. **Terms of municipal court in Minneapolis and proceedings relating thereto.**—That Section 9 of Chapter 34 of the Special Laws of 1889 of Minnesota, be amended to read as follows:

Sec. 9. *The municipal court shall hold a regular term for the trial of civil actions on the first Tuesday of September of each year, which term shall continue from day to day with such adjournment as to the court may seem proper until the business of the term is finished, and the court may, by rule or order, appoint such terms to be held oftener or upon other days than the day above mentioned, A party desiring to place a cause upon the general term calendar for trial shall, after issue is joined, prepare a note of issue containing the title of the cause, the names and addresses of counsel and if he desires a jury so state therein, and shall serve the same upon the opposing counsel, and*

file such note of issue, with proof of service, with the clerk of the court within five (5) days after such service, and at said time pay to the clerk a jury fee of \$3.00 when a jury is demanded. If the adverse party or parties, or any of them desire a jury, the moving party having failed to ask for one they shall within the said five days file a written request therefor with the clerk and pay to the clerk the jury fee, and if a jury is not demanded as above provided, the jury shall be deemed to have been waived, and upon the filing of said note of issue, and upon the expiration of five days, the clerk shall set said cause for trial in accordance with such rules as the judges may make, not less than ten days thereafter, unless requested to in writing by both parties or a special emergency exists, and shall notify all counsel in said cause by mail of the date of such setting. The judges may by order or rule of court provide for the assigning, setting, or resetting of causes for trial, upon the calendar and the order in which they shall be heard. For all purposes other than those specifically herein provided for, the first Tuesday in each month of the year, except in the months of July and August shall be the first day of a general term of said court; provided that when the first Tuesday of any such month shall be a legal holiday, the following day shall be the first day of such general term; provided further, that the provisions of this section shall not apply to forcible entry and unlawful detainer actions.

The judges are empowered to make such rules as may be necessary and proper to make the practice and procedure in this court conform as nearly as may be with that in the district court of Hennepin county.

Civil actions in said court shall be commenced by the service of a summons as hereinafter provided. The summons must be subscribed by the plaintiff, or his attorney, and directed to the defendant, requiring him to answer the complaint and serve a copy of his answer to the person whose name is subscribed to the summons, at a place within the state therein specified, in which there is a postoffice, within ten (10) days after the service of summons, exclusive of the day of service.

The notice to be contained in the summons, the manner of service of the summons, pleadings, notices and appearances shall be the same as that required by law in the district courts of the state and the provisions of chapter seventy-seven (77), Revised Laws, 1905, so far as the same may be applicable and not inconsistent with the provisions of this act, shall apply to said municipal court, and all officers, acting by authority thereof; except that Sections 4258 to 4263, inclusive, and Sections 4319 to 4325, inclusive, Revised Laws, 1905, shall not so apply; and except that the time for demurrer and reply shall be ten (10) days in said court.

No police officer of said city shall serve, or attempt to serve, any summons, process, or paper in any civil action in said court, unless the complaint in such action shall have been previously filed with the clerk of said court, and in any case wherein such complaint is so filed said clerk shall when requested so to do, note or endorse the fact of such filing upon the back of said summons or process. And whenever any such process, summons or paper, in any civil action, shall have been delivered to any police officer for service, he shall, as soon as practicable thereafter, make proper return to said clerk whether said summons, process or paper shall have been served or not, and if not served, the reason therefor. And after the issuing of execution against the property of any judgment debtor any person indebted to such judgment debtor may pay the amount of such debt, or so much thereof as may satisfy such execution, to the officer holding such execution, and the receipt of such officer reciting the facts shall be a sufficient discharge and satisfaction of so much of said debt as is so paid over to such officer.

The pleadings in civil actions in said court shall be the same as in the district courts of the state, subject to such modifications as the court may by rule prescribe.

Said court shall also have authority to provide by rule that the plaintiff or moving party in any civil action or proceeding shall by bond, recognizance, or deposit of money with the clerk, give security for costs in such sums as the court may designate by said rule, before any summons or other process shall issue in the action.

Costs are allowed the prevailing party in actions commenced in said municipal court as follows:

To the plaintiff, upon a judgment in his favor, upon a trial upon the merits, when the amount thereof, or value of personal property recovered, exclusive of costs and disbursements, exceeds fifty (\$50) dollars, and is less than one hundred (\$100) dollars, five (\$5) dollars.

To the defendant, when judgment is rendered in his favor upon the merits, after a trial of an issue of fact, when the amount claimed in the complaint, or value of personal property in replevin, is less than one hundred (\$100) dollars, five (\$5) dollars.

To the plaintiff, upon a judgment in his favor of one hundred (\$100) dollars or more, or in actions of replevin when the value of the property is one hundred (\$100) dollars or more, when no issue of fact or law is joined, five (\$5) dollars when an issue is joined, ten (\$10) dollars.

To the defendant, when the amount claimed in the complaint is one hundred (\$100) dollars or more, upon discontinu-

ance or dismissal, five dollars (\$5); when judgment is rendered in his favor upon the merits, ten (\$10) dollars.

Costs and disbursements shall be taxed and allowed in the first (1st) instance by the clerk upon two (2) days' notice by either party, and inserted in the entry of the judgment. The disbursements shall be stated in detail, and verified by affidavits, which shall be filed.

The party objecting to any item shall specify in writing the ground of objection; and the same, in case of appeal shall be certified by the clerk, and the appeal shall be heard and determined upon the objections so certified, and none other.

Sec. 2. **Selection of jurors.**—That Section 13 of said chapter 34 be amended to read as follows:

Sec. 13. Trial by jury in the municipal court shall in all respects be conducted as in the district courts of said state, and all laws of a general nature applicable to jury trials in said district courts shall apply to said municipal court, except as hereinafter provided.

The judges of said court shall annually in the month of June in each year, at the court house in the City of Minneapolis, select from the qualified electors of the City of Minneapolis, seven hundred persons, properly qualified to serve as petit jurors and shall make out and certify a list thereof and forthwith deliver such list to the clerk of the municipal court, and from said list of persons to serve shall be drawn petit jurors at any time required for the transaction of business in said municipal court; provided, that if in any year such list shall not be made in the month of June, the same be done at any time thereafter; that any judges of said court may designate; and if from any cause there shall be a deficiency of persons resident in said city and properly qualified in such lists, such judge or judges may at any time, designated by them, select from the qualified electors of said city other persons to cover such deficiency and in like manner may certify and deliver to the clerk the lists of the persons so selected, when supplementary or additional lists shall thereafter stand as part of the original lists; and provided further, that the validity or legality of such selection or lists shall not be affected by the fact that any person or persons so selected may be disqualified from serving as jurors, or by the selection of a greater or less number of persons, than as specified in this act; provided further that the first selection and lists hereunder may be made at any time after the passage of this act. The petit jurors may be drawn from such list from time to time during such term as the judges or a majority thereof shall direct for the successive panels. The clerk of the court shall issue venirens for such jurors returnable at such hours as a judge or the judges of said court may direct.

No person shall be drawn as a juror oftener than once in four years.

Whenever a jury is required in a criminal case, it shall be selected from a panel so drawn. If any person duly drawn and summoned to attend as a juror in said court neglects to so attend, without sufficient excuse, he shall pay a fine not exceeding thirty dollars (\$30), which shall be imposed by the court, and be imprisoned until such fine is paid, not exceeding thirty (30) days.

Whenever deemed necessary said court shall have power to issue a special venire.

And jurors so summoned and attending as aforesaid in said municipal court shall be entitled to like compensation as jurors in the district court of Hennepin county, and shall be paid out of the county treasury of said county of Hennepin. The clerk of said municipal court shall deliver to each juror a certificate for the number of days' attendance and service and miles traveled for which he is entitled to receive compensation. This certificate of the clerk for services rendered as such juror in the municipal court shall be filed with the county auditor, who shall issue his warrant on the treasurer of the county for the amount due, which certificate shall be a proper and sufficient voucher for the issuance of such warrant. It shall be the duty of the clerk of said court to purchase and pay for from any funds in his possession and not otherwise appropriated a copy of the poll lists of the said city of the last preceding election and furnish said list to the judges for their use in so selecting the said jurors.

Any juror who has been regularly summoned to attend in said court, and who shall actually attend said court at the time named in such summons, shall be entitled to his per diem and mileage, whether he shall have actually been sworn as a juror or not.

Sec. 3. **Inconsistent acts repealed.**—All acts, or parts of acts, inconsistent herewith are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 24, 1915.

CHAPTER 300—S. F. No. 889.

An Act amending Sections 5523, 5536, 5542, 5548 and 5552, General Statutes 1913, relating to public ditches or drainage of lands and meandered bodies of water, assessment of damages and benefits resulting therefrom.

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