

the said terms of Court, except upon the direction of the presiding Judge thereof.

Sec. 3. Inconsistent acts repealed.—All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

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

Approved March 23, 1925.

CHAPTER 85—S. F. No. 207.

(Not in G. S. 1923)

An act to amend Sections 3, 11, 19, 39, 43, 44 and 52 of Chapter 238 of the Laws of Minnesota for 1923, entitled "An act entitled an act to confirm and continue the present municipal court of the City of Duluth, in the County of St. Louis and State of Minnesota, and to enlarge the jurisdiction of said court and to regulate the practice and procedure therein," and by adding thereto a new section to be designated as "Section 33 A," providing for the appointment of probation officers in said court and defining their duties.

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

Section 1. Powers.—That Section 3 of Chapter 238 of the Laws of Minnesota for 1923, be amended so as to read as follows:

"Sec. 3. 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 charter, ordinances, regulations, or by-laws of the said City of Duluth, 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 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. 2. Deputy clerks and employees—duties and powers.—That Section 11 of Chapter 238 of the Laws of Minnesota for 1923 be amended so as to read as follows:

"Sec. 11. The clerk of said court, with the consent and approval of the judges and assistant judge of said court, or a majority of them, shall have the power to appoint a first deputy clerk with like powers of the clerk, but acting under authority of said clerk, a second deputy clerk, a *chief counter clerk*, and two other deputy clerks who have like powers as said first deputy clerk. The clerk of said court, under the direction of the judges and assistant judge of said court, or a majority of them, may, with the consent

and approval of the council of the City of Duluth, appoint one or more additional deputy clerks of said court, in case, in their judgment, necessity therefor arises. Said clerk and deputy clerks shall have full power and authority to administer oaths, swear witnesses and jurors; and said clerk, deputy clerks and the bailiffs or court officers shall perform such duties as the judges shall direct and shall have power to serve all process of said court, whether civil or criminal, when directed by the court, and all other powers and authority in this act provided for either thereof, and are vested hereby with the usual powers of constables at common law and with the powers and authority of police officers of the said city of Duluth. If the judges of said court, or a majority of them, shall so direct, one or more of the said deputy clerks shall have the qualifications of a stenographer, and shall perform such duties in that regard as the judges prescribe. Such direction or qualification, however, shall not in any way affect the provisions of this act in reference to the official reporter. Each of the said deputy clerks before entering upon the performance of the duties of his office shall first take and subscribe an oath in form as prescribed and execute to the city of Duluth for the use and benefit of said city and all persons injured by failure to observe its conditions a penal bond in the sum of one thousand (\$1,000.00) dollars, with such sureties as the city council may approve, conditioned that he will account and pay over to the clerk of the said court on each day all moneys belonging to or to go to said city, and that he will at all times pay over to said clerk of said court on demand all moneys to which any person may be entitled which may have come into his hands in virtue or by reason of his office. Such bond shall be filed with the same officer as the bond of the clerk."

Sec. 3. **Pleading, practice and procedure.**—That Section 19 of Chapter 238 of the Laws of Minnesota for 1923, be amended so as to read as follows:

"Sec. 19. All civil actions and proceedings in said court shall be commenced and conducted as prescribed by the statute 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 defendant in any civil action begun in the said municipal court of the city of Duluth 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 the plaintiff's attorney, shall be filed with the clerk of the municipal court of the said city of Duluth 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 the said municipal court wherein the amount in controversy is in excess of five hundred (\$500.00) dollars, the place of trial of such action shall be determined in the same manner as provided by Chapter 302, Laws of Minnesota, 1921, with reference to actions commenced in the district court of St. Louis county and when the place of trial shall have been determined, as provided by said act, to be at a place other than the county seat of said county, said action shall be tried in the said district court of said county as though originally commenced therein.

Sec. 4. Juries—Fees.—That Section 39 of Chapter 238 of the Laws of Minnesota for 1923, be amended so as to read as follows:

"Sec. 39. 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 the 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 fee to be for the use and benefit of the said city of Duluth; and unless a jury is demanded upon the calling of the calendar upon the first (1st) day of the first (1st) 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. 5. Drawing of juries—Discharge of juries.—That Section 43 of Chapter 238 of the Laws of Minnesota for 1923, be amended so as to read as follows:

"Section 43. *Twenty (20)* jurors shall be drawn for each general term of said court and shall be summoned to appear at said court at ten (10) o'clock in the forenoon of the second (2nd) day of the term for which they are drawn 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. 6. Selection of jurors.—That Section 44 of Chapter 238 of the Laws of Minnesota for 1923, be amended so as to read as follows:

"Section 44. The mayor, or acting mayor of the city of Duluth, the city clerk and one of the judges of said municipal court shall, on the first Monday in June of each year, excepting legal holidays, meet at the office of the city clerk, and from the legal voters of

said city select and designate three hundred and thirty (330) legal voters of said city as jurors for said municipal court to serve therein when required and drawn during the succeeding twelve (12) months, and until their successors are selected and certified, and shall thereupon certify said names so selected to the clerk of said municipal court, who shall thereupon prepare separate ballots containing the names of the persons so certified and place the same in a wheel or box and on the Tuesday next preceding the beginning of each general term, the clerk of said court shall by lot draw twenty (20) ballots therefrom and the persons named upon the twenty (20) ballots as drawn shall be forthwith summoned to attend said court on the second (2nd) day of the term next ensuing and until excused or discharged by the court.

"Whenever at any term of said court, there is a deficiency of jurors, whether from an omission to draw or to summon such jurors, or because of a challenge to the panel, or from any other cause, any of the judges of said court may direct the clerk of said court to draw from said jury list a specified number of names of persons to be summoned forthwith to serve as jurors for the term or for any specified number of days. Whenever in the opinion of any of the judges, it is deemed necessary, the court shall have the power to order a special venire to issue to the proper officer, commanding him to summon from the city at large the number therein named as competent persons to serve as jurors in said court, provided, however, that before such special venire shall issue the jury list heretofore provided for shall have been exhausted.

"From the jurors so drawn and summoned juries shall be selected and impaneled when required, in the same manner as in the district courts of this state, except as in this act otherwise provided, but no juror shall be required to attend as such more than one (1) term in each year."

Sec. 7. Salaries of judges, clerks and employees.—That Section 52 of Chapter 238 of the Laws of Minnesota for 1923, be amended so as to read as follows:

"Section 52. The salary of the judges of said municipal court shall be four thousand five hundred (\$4,500.00) dollars each per annum, and the salary of the assistant municipal judge shall be two thousand one hundred (\$2,100.00) dollars per annum. The salary of the clerk of said municipal court shall be three thousand (\$3,000.00) dollars per annum. The salary of the first deputy clerk shall be two thousand one hundred and sixty (\$2,160.00) dollars per annum. The salary of the second deputy clerk and the chief counter clerk shall be two thousand one hundred (\$2,100.00) dollars each per annum and the salary of the other deputy clerks herein provided for shall be one thousand eight hundred (\$1,800.00) dollars each per annum. In case additional deputy clerks shall be appointed with

the consent and sanction of the council of the city of Duluth, as provided in Section 11 of this act, the said city council shall fix the compensation of the deputy or deputies so appointed. The salary of the official court reporters appointed under Section 15 of this act shall be two thousand four hundred (\$2,400.00) dollars each per annum. The salary of each officer shall be payable from the city treasury of Duluth in monthly installments, and neither of said officers shall receive any fee or compensation except as herein provided."

Sec. 8. Probation officer to be appointed.—That Chapter 238 of the Laws of Minnesota for 1923 be and the same is hereby amended by adding thereto immediately after Section 33 thereof a new Section designated as "Section 33A" as follows:

"Section 33A. There shall be appointed by the judges and assistant judge of said court, or by a majority of them, a probation officer, who shall hold his office at the pleasure of said judges. Such probation officer may appoint one deputy subject to the approval of the judges, and such deputy or deputies may be removed by said probation officer at pleasure, subject to the approval of said judges.

"The probation officer or his deputy shall be present at every session of the court. He shall receive all persons placed on probation by said court and committed to his care during such probation period and perform such acts with reference to them as the judgment of the court may direct. In the execution of their official duties the probation officer and his deputy shall have all the powers of police officers of the city of Duluth.

"Such probation officer shall make such reports as the court may require and shall be provided by the clerk of said court with the necessary books, blanks, stationery, postage and other expenses for the execution of his duties in the same manner as the other expenses incident to the court are provided for."

"The salary of such probation officer and of any deputy shall be fixed by the judges of said court, subject to the approval of the common council of the city of Duluth, and shall be paid at the times and in the manner provided for the payment of the judges and clerks of said court."

Sec. 9. Effective May 1, 1925.—This act shall take effect and be in force from and after May 1, 1925.

Approved March 23, 1925.

CHAPTER 86.—H. F. No. 132

An act authorizing the renewal of the period of corporate existence of certain corporations whose period of duration has expired without the renewal thereof, and legalizing acts and contracts of