

Subd. 2. The personal property, consisting of the pipeline system of mains, pipes and equipment attached thereto, of pipeline companies and others engaged in the operations or business of transporting natural gas, gasoline or other petroleum products by pipe lines, shall be listed with and assessed by the Commissioner of Taxation. This subdivision shall not apply to the assessment of the products transported through the pipe lines nor to the lines of local commercial gas companies engaged primarily in the business of distributing gas to consumers at retail nor to pipe lines used by the owner thereof to supply natural gas or other petroleum products exclusively for such owner's own consumption and not for resale to others. On or before the fifteenth day of November, the commissioner shall certify to the auditor of each county, the amount of such personal property assessment against each company in each district in which such property is located.

Sec. 2. Effective date. This act becomes effective January 1, 1950.

Approved April 21, 1949.

CHAPTER 548—H. F. No. 1120

[Not Coded]

An act amending Special Laws 1889, Chapter 351, Sections 1, 2, 12, 17, 41, 47 and 53 as heretofore amended, being an act confirming and continuing the municipal court of the City of Saint Paul.

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

Section 1. Special Laws 1889, Chapter 351, Sections 1 and 2, as amended by Laws 1921, Chapter 362; Laws 1929, Chapter 423; Laws 1945, Chapter 458, being an Act confirming and continuing the Municipal Court of the City of Saint Paul, is amended to read :

Section 1. **Court established; jurisdiction.** The municipal court now existing in the City of Saint Paul, in the County of Ramsey and State of Minnesota is hereby confirmed, continued and established as a court for the transmission of all judicial business which may lawfully come before it.

Said court shall be a court of record and shall have a clerk and a seal and shall have jurisdiction to hear, try and determine civil actions at law where the amount in controversy does not exceed \$1,000, and interest and costs, except as hereinafter provided.

The jurisdiction of the court shall not extend to any civil action involving the title to real estate, save and except an action brought under and pursuant to Chapter 76, General Statutes 1913, relating to forcible entry and unlawful detainer, nor to any action for divorce, nor to any action wherein the relief demanded in the complaint is equitable in its nature.

That said court shall have exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases arising or triable within the City of Saint Paul heretofore cognizable before a justice of the peace or arising under the charter ordinances, laws, regulations or by-laws of said City of Saint Paul, and shall also have concurrent jurisdiction with the Justice Courts to hear all complaints and conduct all examinations and trials for crimes committed outside of the corporate limits of the City of Saint Paul, but within the limits of the County of Ramsey.

Sec. 2. Special Laws 1889, Chapter 351, Section 12, as amended by Special Laws 1891, Chapter 40, Section 1, is amended to read:

Sec. 12. **Clerk; duties.** The clerk shall have the custody and care of all the books, papers and records of said court. He shall be present by himself or deputy at all trials, unless absent by reason of sickness or by consent of either of the judges, and in case of the absence of both clerk and his deputy, the judge may appoint some suitable person temporarily to the position. He may swear all witnesses and jurors, and administer all oaths and affidavits, and take acknowledgments, and when appointed by the court, he shall without compensation, act as referee in any civil action pending in said court. He shall keep minutes of all proceedings and enter all judgments, orders and sentences, issue commitments as well as all other writs and process, and make up and keep the records of the court under the direction of the judges and when a judge is not present, adjourn the court from day to day. He shall tax all costs and disbursements allowed in every action subject to review by the judges and do all other things and acts neces-

sary or proper to the enforcing and carrying out of the jurisdictions of the court. He shall receive all fines, penalties and fees of every kind, accruing to the court or any officer thereof, including police officers, and keep full, accurate and detailed accounts of the same, and shall on each day deliver over to the *comptroller of the City of Saint Paul*, all moneys so received, with detailed accounts thereof, and take his receipt therefor. Said clerk, as well as the judges of said court, is hereby made a conservator of the peace and vested with the same authority, discretion and power to act, on receiving complaints and issuing warrants of said court in criminal cases. It is hereby made the duty of the clerk of the municipal court of the City of Saint Paul, forthwith upon the passage of this act, to make a daily report in writing, under oath, to the *comptroller* of said city, and deliver the same daily, by his own hand, to said *comptroller*, or to such deputy or clerk in said *comptroller's* office specified by said *comptroller* for said work, showing the name of each prisoner after the date of his first report, upon whom any fine has been imposed or penalty inflicted by said municipal court since the date of his last report, the date when said fine or penalty was imposed, the nature of the offense for which said person was convicted, the amount of money received from such person and the final disposition of said person by said court; and also the aggregate amount of money received by said clerk since the date of his last report; and also of all other moneys received by said clerk in his official capacity since the date of his last report. The first report required by this act from said clerk shall contain the items of information above prescribed for the day upon which said report is made. *The Judge of said court presiding over the criminal branch thereof on said day shall examine said report and certify as to its correctness before its delivery to the comptroller.*

And it is hereby made the duty of said city *comptroller* to forthwith procure a book and to enter, or cause to be entered, in the same, daily, a synopsis of the report made by each of said judges, specifying the judge, and also, in a different part of said book, a synopsis of said daily report made by said clerk, and said book specified in this section, and the reports made as aforesaid are hereby made public records, and the same shall be open to inspection, during business hours, by any taxpayer of said city.

Sec. 3. Special Laws of 1889, Chapter 351, Section 17, as amended by Laws 1921, Chapter 362, Section 3, is amended to read as follows:

Sec. 17. Stenographers; fees. *When the official reporter of said court shall be required by any of the parties to an action, proceeding or examination to transcribe his record into ordinary longhand or typewriting, the parties requiring such transcript shall pay to such reporter the same amount per folio of one hundred words for said transcript, and each copy thereof, as is now or shall hereafter be prescribed as the compensation to be paid court reporters of the District Court of Ramsey County for similar work; but the court may order and direct the reporter to furnish such transcripts free of charge for the use of the court, whenever in the furtherance of justice either of the judges thereof may deem the same necessary, and in no case shall any charge be made against the City of St. Paul for any transcript or transcripts so furnished.*

Sec. 4. Special Laws 1889, Chapter 351, Section 22, is amended to read:

Sec. 22. Counter-claims in excess of jurisdiction; equitable defenses. Whenever a counter-claim in excess of \$1,000 or where any equitable defense or ground for equitable relief is interposed; or where it appears that the title to real estate is involved save as is provided in section one (1) subdivision seven (7) of this act, said court shall immediately cause an entry of the fact to be made of record and cease all further proceedings in the case, and within twenty (20) days thereafter certify and return to the district court of said county of Ramsey a transcript of all entries made in the record relating to the case, together with all process and other papers relating to the suit; and thereupon said district court shall proceed in the cause to the final judgment and execution according to law, the same as if the said suit had been originally commenced in the district court, and the costs shall abide the event of the suit.

Sec. 5. Special Laws of 1889, Chapter 351, Section 41, as amended by Laws 1917, Chapter 246, Section 1; Laws 1927, Chapter 317, Section 1; Laws 1945, Chapter 520, Section 1, is amended to read:

Sec. 41. Jury; method of drawing. That jury cases shall be set for trial in each month, except in the months of July and August, in the civil branch of said municipal court. The judges of said court shall annually in the month of June in each year, at the court house in the city of St. Paul, select

from the electors of the city of St. Paul, *a sufficient number of* persons properly qualified to serve as petit jurors, and shall make out and certify a list thereof and deliver the same to the clerk of said 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 court; provided, that if in any year such list shall not be made in the month of June, the same may be done at any time thereafter that any of the judges of said court may designate, and if from any cause there shall be a deficiency of persons in said list, such judge or judges may at any time designated by them select from the electors of said city other persons to cover such deficiency, and in like manner certify and deliver to the clerk the list of the persons so selected, which supplemental or additional list shall thereafter stand as part of the original lists; and provided further, that the validity or legality of such 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 list hereunder may be made at any time after the passage of this act. The petit jurors may be drawn from such lists from time to time during such terms as the judges may direct for the successive panels. The clerk of the court shall issue venires for such jurors returnable at such hours as a judge or the judges may direct, and such venires shall be served by the police officers of said city of St. Paul, or by the sheriff of Ramsey County as petit jurors are served in the district court.

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

Whenever a jury is required in a criminal case, or in forcible entry and unlawful detainer actions, 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 so to attend without a sufficient excuse, he shall pay a fine not exceeding thirty dollars which shall be imposed by the court, or be imprisoned until such fine is paid, not exceeding thirty days.

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

Any jurors so summoned and attending as aforesaid in said municipal court shall be entitled to receive as compensation the same amount as jurors in district court, which shall be

paid out of the county treasury of the county of Ramsey. The clerk of said municipal court shall deliver to each juror a certificate for the number of days attendance and services 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. And 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 whether he shall have been actually sworn as a juror or not.

Trial by jury in the municipal court shall be in all respects conducted as in the district court of Ramsey County, and all laws and fees of a general nature applicable to jury trials in said district court shall apply to said municipal court, except as herein provided.

Sec. 6. Special Laws 1889, Chapter 351, Section 47; [as amended by] Laws 1907, Chapter 302; Laws 1913, Chapter 430; Laws 1918 [1919], Chapter 308, Section 2; Laws 1921, Chapter 362, Section 4; Laws 1925, Chapter 371; Laws 1945, Chapter 458, Section 2, and Laws 1947, Chapter 520, Section 1, is amended to read:

Sec. 47. **Police officers and bailiff.** It shall be the duty of the mayor, or other legally constituted officer or body having supervision and control of the police department and officers of said city, to see that a sufficient number of police officers, including an officer in command, are always in attendance upon said court at its criminal sessions, and such other times and places as the court may direct, in readiness to obey its mandates and preserve order during its proceedings. And said mayor or other legally constituted officer or body, having supervision and control of said police department and police officers of said city, shall have the power, in his or its discretion, to appoint not exceeding three persons approved by the judges of said municipal court, as policemen for special attendance and duty in said court irrespective of the general rule or legal regulations or enactments relative to the qualifications of policemen, but such persons shall receive the same, but no greater compensation, unless the common council directs greater compensation, than ordinary police, and they shall be known as bailiffs and such bailiffs and policemen attending said court

may be required to give bond to said city in such sums as the council shall direct for the faithful performance of their duties; such bond to be for the use of all persons interested, provided, however, that nothing herein contained shall affect the powers and duties of the general police in said court. And such police officers, bailiffs and commanding officers, and all other policemen, police officers and bailiffs, shall at all times when in attendance upon said court be subject to the orders and authority and control of said court, irrespective of the authority or orders of any other official body.

The clerk of said municipal court shall have power with the consent of the judges to appoint, in addition to the deputy clerk in this act provided for, two assistant clerks to be known as assistant clerks, who shall have like powers as said deputy clerks, but shall act under the authority of said clerk. Said clerk, deputy clerk, and assistant clerks shall have full power and authority to administer oaths, swear witnesses and jurors, and take acknowledgements, and said clerk, deputy clerk, assistant clerks and bailiffs shall perform such duties as the clerk or judges shall direct in completing the work of the office, 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 hereby vested with the usual powers of constables at common law and authority and powers of police officers of the said city of St. Paul. If the judges of said court shall so direct one of said assistant 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 stenographer.

Each of said assistant clerks before entering upon the performance of the duties of his office shall first take and subscribe an oath in form as prescribed in Section 10 of this Act, and execute to the city of St. Paul for the use and benefit of all persons injured by failure to observe its conditions a penal bond in the sum of \$1,000, with such sureties as the common council may approve, conditioned that he will account to and pay over to the clerk or deputy clerk of 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 or deputy 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 of-

file. Such bonds shall be filed with the same officer as the bond of the clerk.

The judges of said court shall each receive a salary of \$6,600 per year; the clerk of said court a salary of \$4,500 per year; the deputy clerk of said court a salary of \$3,600 per year; one assistant clerk a salary of \$2,600 per year; and one assistant clerk a salary of \$2,400 per year; and the stenographer reporter shall receive a salary of \$2,700 per year; such salaries being payable in each case out of the city treasury of the city of St. Paul in equal monthly installments.

In addition to the clerks heretofore provided for under Section 47 of the Laws of 1921, the Clerk of the said Municipal Court shall have power with the consent of the Judges, to appoint two or more assistant clerks when authorized to do so by the council of the City of St. Paul, and at such compensation as may be ordered by said Council of the City of St. Paul, said additional clerks shall perform such duties as the Clerk or Judges shall direct in completing the work of the office and all other powers and authority in this act provided for. Each of the said additional assistant clerks before entering on the performance of the duties of his office shall first take and subscribe an oath in form as prescribed in Section 10 of the Act and execute to the City of St. Paul for the use and benefit of all persons injured by failure to observe its conditions, a penal bond in the sum of one thousand dollars with such sureties as the Common Council may approve, conditioned that said clerks will account to and pay over to the clerk or deputy clerk of said court on each day all moneys belonging to or to go to said city, and that they will at all times pay over to said clerk or deputy 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. 7. Special Laws 1889, Chapter 351, Section 53, is amended to read:

Sec. 53. Judges; powers and duties; may act jointly. *Any of the judges of the municipal court may hold session and act as such court, and shall be fully possessed of all the powers and authority of said court. The judges may act jointly at any time or upon any occasion deemed by them proper.*

Approved April 21, 1949.