

CHAPTER 615—H. F. No. 1501

[Not Coded]

An act relating to the municipal court of the city of Duluth; amending Laws 1923, Chapter 238, Section 11, as amended, Sections 22 and 37, and Section 52, as amended.

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

Section 1. Laws 1923, Chapter 238, Section 11, as amended by Laws 1925, Chapter 85, Section 2, and Laws 1949, Chapter 429, Section 1, is amended to read :

Sec. 11. Deputy clerks, employees; powers, duties. 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, one deputy clerk to serve as chief clerk for the conciliation court established pursuant to Laws 1927, Chapter 17, and *three* deputy clerks who shall have like powers as said first deputy clerk. The titles of the persons now holding office as second deputy clerk and chief counter clerk are hereby changed to 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 on 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 \$1,000 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. 2. Laws 1923, Chapter 238, Section 22, is amended to read:

Sec. 22. **Proceedings by attachment, etc.** Proceedings by attachment, replevin, or garnishment in said court, shall be conducted as in the district courts of this state; provided, that the bonds required in such proceedings shall be executed with sufficient sureties and be in double the amount claimed in attachment, and not less than the sum of \$250, or in double the value of the property claimed in replevin, and all bonds required or allowed in such proceedings shall be approved by one of the judges of said court. And provided further, that in garnishment proceedings *the summons may be served on the garnishee by an officer or any person not a party to the action, at any place within the state, and the service in all cases be personal, but notwithstanding any other law, such service shall become null and void unless not later than one day after such service the original or a copy of the summons and complaint in the main action between the parties shall have been filed in the office of the clerk of said municipal court. The disclosure of the garnishee shall be made and all further proceedings had in the same manner as if the proceedings were in district court, except, however, that the summons shall require disclosure within 10 days after service, service upon the defendant of the garnishee summons shall be made within 10 days after service upon the garnishee. And provided further that no judgment shall be rendered against the garnishee when the judgment against the defendant is less than \$10, exclusive of costs, nor when the indebtedness of the garnishee to the defendant, or the value of the property, money, or effects of the defendant, in the hands or under the control of the garnishee, as proved, is less than \$10.*

Sec. 3. Laws 1923, Chapter 238, Section 37, is amended to read:

Sec. 37. **Clerk's fees, civil cases.** A party in any civil action, upon filing any pleading or paper in opening said action, shall pay to the clerk of said court, the sum of \$2.00 for the use and benefit of the city of Duluth, which sum shall be in full for all costs and fees of said court and clerk, up to and including the entry of judgment, and no rebate shall be allowed to any person making such payment; provided that the fees and charges for certifying copies of any papers on file with the said clerk, shall be at the rate of five cents for each folio, and twenty-five cents for the certificate, excepting in cases where such copies are furnished for certification by the person requiring the same, in which event the said clerk shall charge and receive two and one-half cents per folio for comparing and certifying the same and twenty-five cents for the certificate; provided further that no police officer of said city shall be required to serve any paper in any cause until the action shall have been opened and the required fee paid as hereinbefore provided; and provided further, that for each writ of execution *and each transcript of judgment to the district court* issued from and by said court, said clerk shall charge and receive the sum of fifty cents, and that police officers to whom writs and other process of the court are delivered shall charge and collect the same fees as are by law allowed to the sheriff of the county of St. Louis for like services, such fees to be paid by said police officers to the clerk of said court for the use and benefit of said city of Duluth.

Sec. 4. Laws 1923, Chapter 238, Section 52, as amended by Laws 1929, Chapter 45, Section 1; Laws 1941, Chapter 300, Section 10; Laws 1943, Chapter 524; Laws 1945, Chapter 361; Laws 1947, Chapter 426; and Laws 1949, Chapter 429, Section 2, is amended to read:

Sec. 52. **Judges, clerks, employees; salaries.** The salary of the judges of said municipal court shall be \$7,080 per annum, and the salary of the assistant municipal judge shall be \$2,700 per annum. The salary of the clerk of said municipal court shall be \$5,280 per annum, the salary of the probation officer shall be \$5,280 per annum, and the salary of the deputy probation officer shall be \$3,240 per annum. The salary of the first deputy clerk shall be \$4,380 per annum. The salary of the deputy clerks herein provided for shall be \$3,840 each per annum. In case additional deputy clerks shall be appointed

with the consent and sanction of the *city* 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 reporter appointed under Section 14 of this act shall be \$5,280 per annum. The salary of each officer shall be payable from the city treasury of Duluth in *semi-monthly* installments, and neither of said officers shall receive any fee or compensation except as herein provided.

Approved April 20, 1951.

CHAPTER 616—H. F. No. 1542

[Sections 2, 3, Coded as Section 93.20, Subdivisions 38, 39]

An act relating to state lands and minerals, prescribing the form and provisions of iron ore mining leases; amending Minnesota Statutes 1949, Section 93.20.

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

Section 1. Minnesota Statutes 1949, Section 93.20, is amended to read:

93.20 Rentals, royalties, form of lease. *Subdivision 1. Except as otherwise provided by law, the body of every lease for mining iron ore belonging to the state shall consist of the provisions set forth in subdivisions 4 to 36, inclusive, of this section, omitting subdivision headings, with such insertions, changes, or additions as may be necessary to incorporate the royalty rates and other particulars applicable to each case or as may be authorized under subdivision 2.*

Subd. 2. The commissioner of conservation, with the approval of the executive council, may, so far as he deems advisable in furtherance of the public interests, fix the term of any lease at any period not exceeding that hereinafter prescribed, or may include in a lease any other conditions not inconsistent herewith relating to performance by the lessee or other pertinent matters, provided, that in case of a lease