

## CHAPTER 625—S. F. No. 1295

[Not Coded]

*An act to establish a municipal court in the city of Waseca, County of Waseca, State of Minnesota.*

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

**Section 1. Municipal Court, City of Waseca.** A court of record to be known as the Municipal Court of the City of Waseca is hereby established in and for the City of Waseca, in the County of Waseca, State of Minnesota.

**Sec. 2. Powers.** Such court shall possess all of the powers and be subject to all of the provisions of Minnesota Statutes 1949, Chapter 488, and acts amendatory thereof and supplemental thereto, relating to municipal courts, except as otherwise provided in this act.

**Sec. 3. Jurisdiction, venue.** Subdivision 1. The jurisdiction of such court shall be co-extensive with and be limited to the County of Waseca. It shall have jurisdiction to hear, try and determine civil actions:

(1) Arising on contract, for the recovery of money only, when the amount claimed does not exceed \$1,000;

(2) For damages for injury to the person or to real property, and for taking, detaining, or injuring personal property, when the amount claimed, or, in replevin, the value of the property in controversy, does not exceed \$1,000;

(3) For a penalty given by statute, not exceeding \$1,000, or upon a bond conditioned for the payment of money, whatever the penalty thereof, when the amount claimed does not exceed \$1,000;

(4) On an official bond, or any bond taken in said municipal court, if the penalty does not exceed \$1,000;

(5) For forcible entry and unlawful detainer, whether involving the title to real estate or not.

Subd. 2. Such Court may also take and enter judgments by confession to an amount not exceeding \$1,000, and shall have all the powers and jurisdiction, civil and criminal, of courts of justices of the peace.

Subd. 3. No justice of the peace shall have jurisdiction of offenses committed in the city of Waseca, but all such offenses otherwise cognizable by a justice shall be tried or examined by the municipal court of said city or the judge thereof, and such municipal court or the judge thereof shall have jurisdiction concurrently with the justices of all offenses committed elsewhere within the county of Waseca. All such cases arising under the charter, ordinances or by-laws of such city shall be tried by such municipal court without a jury. In all cases not within the trial jurisdiction of a justice of the peace, commenced in such court, a preliminary examination shall be had or waived before the judge of such municipal court, and the clerk shall keep minutes of the examination as the judge may direct and make return thereof to the court before which the party charged may be bound to appear, and the judge may bind such party to appear before said municipal court.

Subd. 4. Such court shall also have concurrent jurisdiction with the district courts of this state to hear, try and determine, upon information duly made and filed therein, all criminal charges or offenses committed in or triable in the said county of Waseca, where the maximum punishment prescribed by law, or by the charter, ordinances or by-laws of the city of Waseca, is imprisonment in the state prison or county jail for not more than one year, or by a fine of not more than \$1,000, or by both; and the said municipal court is hereby fully invested with authority and power to make rules, and to issue all necessary and convenient writs and process, and to do and perform such acts as may be necessary or convenient to carry into effect the jurisdiction conferred upon it.

Sec. 4. **Cases transmitted to district court.** When a counterclaim in excess of \$1,000 is asserted, or an equitable defense is interposed, or it shall appear that the title to real estate is involved in any action other than for a forcible entry or unlawful detainer, the fact shall be recorded, and the clerk shall transmit to the clerk of the district court a certified transcript of the record, and all papers filed in the case. There-

after the cause shall proceed to judgment in the district court as if it had been there begun, and the cost shall abide the event.

**Sec. 5. Vesting of powers.** Within the jurisdiction authorized in this act such municipal court is vested with all the powers which are possessed by district courts of this state, of a general nature, so far as the same can be made applicable, and are not inconsistent with the provisions of this act.

**Sec. 6. Judge, election.** Subdivision 1. The qualified electors of the city of Waseca shall at the general election to be held on the first Monday in April, 1953, and on the day of the general election every four years thereafter, elect a suitable person with the qualifications hereinafter mentioned to the office of the judge of the municipal court, who shall hold such office for a term of four years and until his successor shall be elected and qualified.

Subd. 2. In case of any vacancy in the office of municipal judge prior to the election of a judge at a general election to be held on the first Monday in April, 1953, the governor of the State of Minnesota shall appoint some qualified person to such office until the regular city election in April, 1953, when a judge shall be elected for a full term of four years.

Subd. 3. In case of any vacancy in the office of municipal judge after the election of a judge at the regular city election in April, 1953, the governor of the State of Minnesota shall appoint some qualified person to hold office until the next regular city election occurring more than thirty days after the vacancy shall have occurred, when a judge shall be elected for a full term of four years.

**Sec. 7. Judge; qualifications, oath, salary.** Subdivision 1. The judge of the municipal court shall be a resident of the City of Waseca, and a qualified elector therein, a person learned in the law and duly admitted to practice as an attorney in this state. Before entering upon the duties of the office he shall take and subscribe an oath as prescribed in the general statutes for judicial officers, which oath shall be filed in the office of the Secretary of State of the State of Minnesota. He shall have the general powers of a judge of a court of record and may administer oaths and take and certify acknowledgments in all cases, and as a conservator of the peace shall have

power and authority which is by law vested in the justices of the peace or any other judicial officer. Nothing in this act shall be so construed as to disqualify or prevent the municipal judge from practicing as an attorney or counsellor in any court of this state, except in said municipal court.

Subd. 2. The salary of the judge shall be paid monthly by the City of Waseca, to be determined by resolution adopted by a majority vote of the common council of said city, approved by the mayor or president, and shall not be less than \$2,400 or more than \$3,600 per year, such payments to be made in monthly installments from the treasury of the City of Waseca in like manner as other officer of said city.

**Sec. 8. Special judge.** There shall be one special judge of said municipal court whose manner of election, term of office, powers, duties and qualifications shall be the same as those of the municipal judge, except as otherwise provided in this act, and his successor shall be elected and vacancies in his office shall be filled in like manner. At the request of the municipal judge or in the case of the absence, sickness or disqualification of the municipal judge, the special judge shall act as judge of such municipal court. When the special judge serves at the request of the municipal judge, the special judge and the municipal judge may each have and exercise the powers of said court. The special judge shall not act at the trial or examination of any case, except as above provided, and the special judge when acting as judge of said court shall receive compensation from the city of Waseca at the rate of \$7.50 per day, and when the special judge acts for any other cause than the illness or disqualification of the municipal judge, \$7.50 per day for each day that the special judge serves shall be deducted from the salary of said municipal judge. This section shall not incapacitate the special judge from acting as attorney in said court; but when the judge is serving as judge of such municipal court, the special judge shall take no action in any case, save to adjourn the same.

**Sec. 9. Clerk.** Subdivision 1. The judge of said municipal court may appoint, and remove at his pleasure, a clerk of said court who, before entering upon the discharge of his duties, shall give bond to the State in at least the sum of \$500 to be approved by the appointing judge conditioned for the faithful discharge of his official duties and for the payment as required by law, or order of the court of all moneys coming

into his hands. The clerk shall receive all fines, deposits, penalties and other money paid into court and keep detailed accounts thereof. On or before the tenth day of each month he shall pay to the City Treasurer all sums of money then in his hands.

Subd. 2. The salary of the clerk shall be such amount per month as fixed by resolution of the Common Council of the City of Waseca, and the clerk may also perform such other duties for said City as may be designated by the Common Council.

Sec. 10. **Jury trials.** Subdivision 1. In all cases if either party desires a jury, he shall so state when the case is set for trial. A jury of six may be drawn if both parties consent thereto in open court. The party demanding the jury shall pay to the clerk at the time \$1.00 for each juror required; otherwise the case shall be tried by the court. The clerk shall draw from the box twice as many names as there are jurors required for the trial, and the persons so selected shall be summoned to appear at the appointed time. Each juror sworn as such shall be paid \$2.00 out of the city treasury upon a certificate issued to him by the clerk at the time of his discharge. When necessary, a special venire may be issued.

Subd. 2. Trial by jury in the municipal court shall in all respects, except as otherwise provided in this act, be conducted as in the district courts of the state; and all laws of a general nature applicable to jury trials in district courts shall apply in said municipal court. Jurors for such municipal court shall be selected in the manner prescribed in [Chapter 488.20,] Minnesota Statutes Annotated, [Section 488.20,] except that the persons designated to select the names of voters to act as jurors shall meet on the second Monday in January and in July of each year and shall select seventy-two voters of the city as jurors of said municipal court to serve therein when required and drawn as such during the ensuing six months and until their successors are chosen.

Sec. 11. **Civil actions.** Civil actions in the municipal court shall be commenced by the service of a summons and complaint as hereinafter provided. The summons must be subscribed by the plaintiff or his attorney and be directed to the defendant, referring him of [to] the complaint annexed thereto, and requiring him to answer the complaint and to serve a copy of his answer upon the person whose name is sub-

scribed in the summons at the place within the state therein specified, in which there is a post office, within ten days after the service of the 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. The time for demurrer and reply shall be ten days.

**Sec. 12. Fines, forfeitures.** All fines and forfeitures imposed by the municipal court for any violation of the laws of this state or the ordinances, by-laws or regulations of such city shall be paid into the treasury of, and belong to, said city; provided that the city treasurer shall pay over, as directed by the court, all money received on account of fines and forfeitures so imposed which are specially granted or appropriated by law to any department, division, bureau or board of the State of Minnesota for the maintenance or use of such department, division, bureau or board.

**Sec. 13. Severable.** The various provisions of this act shall be severable, and if any part or provision shall be held to be invalid, it shall not be held to invalidate any other part or provision hereof.

**Sec. 14. Validation.** All judgments entered, process issued, fines, sentences and forfeitures imposed, and all other proceedings transacted, prior to the passage of this act, in and by the municipal court of the city of Waseca as now established, are hereby legalized and made valid and effective, and all proceedings pending therein may be continued in the municipal court of the city of Waseca established under the provisions of this act.

**Sec. 15. Terms.** The terms of office of the judge and the special judge of the existing municipal court shall not be affected by the passage of this act.

Approved April 20, 1951.

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#### CHAPTER 626—S. F. No. 1287

*An act relating to old age assistance; amending Minnesota Statutes 1949, Section 256.15, Subdivision 2.*