

so expended by any such town in any one year shall not exceed the sum of \$50. They may select and designate a bank as the depository of town money for a time not extending beyond their official term, on the execution by such bank of a sufficient bond to the town, in double the sum deposited, to be approved by the board and filed in the office of the town clerk, and thereupon may require the treasurer to deposit all or any part of the town money in such bank. Such designation shall be in writing, and set forth all the terms and conditions upon which the deposits are made, be signed by the chairman and clerk, and filed with the clerk. The town treasurer shall not be liable for the loss of money while so deposited, and all interest thereon shall belong to the town.

Approved March 30, 1957.

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CHAPTER 255—H. F. No. 1208

[Not Coded]

*An act relating to the municipal court of the city of Duluth; amending Laws 1923, Chapter 238, Section 6, as amended; and Section 21.*

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

Section 1. Laws 1923, Chapter 238, Section 6, as amended by Laws 1941, Chapter 300, Section 2, and Laws 1955, Chapter 200, Section 2, is amended to read:

Sec. 6. **Judges; term, election.** *Subdivision 1.* There shall be two judges of said municipal court, the term of office of each of which is *six* years. On the first Tuesday in April, 1957, and every *six* years thereafter, two judges of said court shall be elected. Each judge shall assume the duties of the office for which he is elected on the second Monday next succeeding his election at 12 o'clock noon.

*Subd. 2.* After the first Tuesday in April, 1957, when the judges of the court are to be nominated or elected at a city election, the notice of election shall state the name of each judge whose successor is to be nominated or elected. The official ballot shall contain the names of all candidates for each such office and the number of candidates for whom an elector may vote, and designate each candidacy as "For the office of Judge of the Municipal Court of the City of Duluth to which (Name of Judge) was elected for a regular term" or "For the office of Judge of the Municipal Court of the City of

*Duluth to which (Name of Judge) was appointed," as the case may be. The official ballots shall show in the spaces for the purpose the name of the judge whose successor is to be elected. When any judge is a candidate to succeed himself, the word "incumbent" shall be printed after his name where it appears among the names of the candidates for the office. When voting machines are used and such statements cannot be inserted in full, the designation shall be "Successor to (Name of Judge), elected" or "Successor to (Name of Judge), appointed," as the case may be. Each person desiring to have his name placed on the primary ballot as a candidate for judge shall state in his affidavit of candidacy the office of the particular judge for which he is a candidate. The filing of this affidavit with the city clerk and a compliance with all other requirements constitutes such person a candidate for that office, and for that office only. No person shall at any election be a candidate for more than one such office.*

*Subd. 3.* A special judge, having the same powers and qualifications as said judges, shall be appointed by the city council of said city after each general municipal election, commencing in April, 1957. The term of office of the special judge is two years and a vacancy is filled by like appointment for the unexpired term. The special judge is empowered to hold court only when directed to do so because of the press of business of said court, or because of the sickness or inability to serve of one of the judges. In case the special judge shall hold court, he shall receive compensation for such service at the rate of \$35 per day. The special judge may practice in the municipal court and act as attorney in any case tried therein except one in which he sits, or is expected to sit, as presiding judge.

Sec. 2. Laws 1923, Chapter 238, Section 21, is amended to read:

Sec. 21. **Counterclaim; return to district court.** Whenever it shall be made to appear that a counterclaim in excess of \$2,000, exclusive of interest accruing after the commencement of said action, and costs and disbursements, or any equitable defense or ground for equitable relief is interposed, or that the title to real estate is involved save as provided in section 2, paragraph (7) of this act, or, if by leave of the court either the complaint of the plaintiff or the counterclaim of the defendant is amended so as to claim damages in excess of \$2,000, exclusive of interest accruing after the commencement of said action, and costs and disbursements, 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 20 days thereafter without additional fees the clerk shall certify and

return to the district court of said County of St. Louis a transcript of all entries made in the record relating to the case, together with all process and other papers relating to the suit. The district court shall proceed in the cause to final judgment and execution according to law, the same as if said suit had been originally commenced in the district court, and the costs shall abide the event of the suit.

Approved March 30, 1957.

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CHAPTER 256—H. F. No. 1248

[Not Coded]

*An act relating to firemen's pensions in any city of the first class now or hereafter having a population of not less than 300,000 nor more than 450,000 inhabitants; amending Laws 1955, Chapter 375, Section 12.*

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

Section 1. Laws 1955, Chapter 375, Section 12, is amended to read:

Sec. 12. **Tax levy.** The City Council or other governing body of such city wherein such a relief association is located shall, each year, at the time the tax levies for the support of the city are made, and in addition thereto levy a tax of three-fourths of one mill on all taxable property within said city. In the event the balance in said relief association's special fund, at the time the levy is made, is less than \$500,000, as determined by said association's board of trustees, then it shall be the duty of said city's governing body to increase the rate of said tax levy herein provided to one mill, and in the event said balance in said fund at said time is less than \$400,000, then it shall be the duty of said city's governing body to increase the rate of said tax levy herein provided to one and one-half mills. *Provided, further, that in the event the balance in said relief association's special fund at the time the tax levy is made is less than \$300,000, then it shall be the duty of said city's governing body to increase the rate of said tax levy herein provided to two mills; provided, however, whenever such levy as prescribed herein is increased to two mills, the amount paid each month by each member of said relief association during the calendar year such increased levy is received, shall be increased to four percent of monthly pay as provided in Section 13, with three and one-half percent of said monthly pay to be paid into the special fund and the remaining one-*