

Sec. 4. [Subd. 4.] **Local governments.** Whenever, due to an emergency resulting from the effects of enemy attack, or the anticipated effects of a threatened enemy attack, it becomes imprudent, inexpedient or impossible to conduct the affairs of local government at the regular or usual place or places thereof, the governing body of each political subdivision of this State may meet at any place within or without the territorial limits of such political subdivision on the call of the presiding officer or any two members of such governing body, and shall proceed to establish and designate by ordinance, resolution or other manner, alternate or substitute sites or places as the emergency temporary location, or locations, of government where all, or any part, of the public business may be transacted and conducted during the emergency situation. Such sites or places may be within or without the territorial limits of such political subdivision and may be within or without this State.

Sec. 5. [Subd. 5.] **Validity of acts of local governments.** During the period when the public business is being conducted at the emergency temporary location, or locations, the governing body and other officers of a political subdivision of this State shall have and possess and shall exercise, at such location, or locations, all of the executive, legislative, and judicial powers and functions conferred upon such body and officers by or under its charter, the laws and constitution of this State. All acts of such body and officers shall be as valid and binding as if performed within the territorial limits of their political subdivision.

Sec. 6. [Subd. 6.] **Conflicting laws.** The provisions of this Act shall control and be supreme in the event it shall be employed notwithstanding any statutory, charter or ordinance provision to the contrary or in conflict herewith.

Sec. 7. This Act shall be effective upon passage of a constitutional amendment authorizing the legislature to enact legislation providing for temporary seats of government if made necessary by enemy attack or imminent threat thereof.

Approved April 24, 1959.

CHAPTER 660—S. F. No. 916

[Coded]

An act relating to municipal courts, excepting municipal courts in cities of the first class; establishing a municipal

court code; amending Minnesota Statutes 1957, Section 488.30; repealing Laws 1876, Chapter 200; Laws 1885, Chapters 115 and 116; Laws 1891, Chapter 59; Laws 1895, Chapter 229; Laws 1907, Chapter 176; Laws 1913, Chapter 33; Laws 1915, Chapters 10 and 75; Laws 1925, Chapter 120; Laws 1927, Chapter 61; Laws 1929, Chapters 4 and 253; Extra Session Laws 1935, Chapter 88; Extra Session Laws 1937, Chapter 72; Laws 1941, Chapter 187; and Laws 1951, Chapter 625; and acts amendatory thereto; and Minnesota Statutes 1957, Sections 488.01 to 488.29, and certain other acts and provisions of law relating to municipal courts.

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

Section 1. [488.01] Title. Sections 1 to 20 may be cited as the municipal court act.

Sec. 2. [488.02] Application of act. *The municipal court act is applicable to each municipal court, however organized, except municipal courts in cities of the first class.*

Sec. 3. [488.03] Establishment and organization. Subdivision 1. *Each municipal court, however established, existing in any city, village, or borough is confirmed and each municipal court is continued with the jurisdiction and powers stated in the municipal court act and subject to all its provisions.*

Subd. 2. *Any municipal court hereafter created is established under the municipal court act with the jurisdiction and powers stated therein and subject to all its provisions.*

Subd. 3. *A municipal court is established in each city, village and borough without a municipal court which is a county seat or which has 1,000 or more inhabitants, but no municipal court so established is organized until the governing body of the city, village, or borough so determines by a resolution adopted by a four-fifths majority of its members. The resolution shall also provide for a suitable place for the session of the court, the number of judges and sufficient appropriations for the operation of the court.*

Subd. 4. *The governing body of the city, village, or borough in which a municipal court is organized may by a resolution adopted by four-fifths of the entire governing body, submit the question of the dissolution of the court to the electorate of the city, village, or borough at the next special or general election to be held not less than 30 days after the adoption of the resolution. If the majority of the electorate voting at the election vote for the dissolution of the court;*

the court shall be dissolved and terminated upon expiration of the terms of office of the judges of the court, and thereupon all the records of the court shall be filed with the clerk of the district court in that district, and all proceedings pending in the municipal court may be maintained in the district court as though originally commenced therein: but judgments theretofore docketed in the municipal court shall not be docketed in the district court except upon application of the judgment creditor and payment of the required fee for such docketing. The district court may transfer any pending action to another court within the county having jurisdiction thereof, but no party shall be deprived of the right to appeal in any matter wherein that right could have been maintained had the municipal court not been dissolved. Appeals in all pending matters may be effected by filing notice of appeal with the clerk of said district court.

Sec. 4. [488.04] Jurisdiction and powers. *Subdivision 1. Each municipal court is a court of record with a clerk and a seal. Its jurisdiction shall be coextensive with, and limited to, the county or counties in which the city, village, or borough is situated.*

Subd. 2. Except as otherwise provided in the municipal court act, each municipal court possesses the powers and jurisdiction of the district court. It may issue all civil and criminal process necessary or proper to enforce and carry out its jurisdiction and determinations.

Subd. 3. The municipal court may hear, try, and determine any action at law in which the amount in controversy does not exceed the sum of \$1,000 exclusive of interest and costs. It shall not, however, try any cause involving the title of real estate, except actions of forcible entry and unlawful detainer as provided in section 4, subdivision 4.

Subd. 4. The municipal court has jurisdiction of actions of forcible entry and unlawful detainer involving land wholly or partly within the county or counties in which it has jurisdiction.

Subd. 5. (a) The municipal court has jurisdiction to hear, try, and determine any charge of violation of:

(1) A criminal law in which the punishment does not exceed 90 days imprisonment, or a fine of \$100, and in which the offense is committed in a county of the court's jurisdiction;

(2) Any ordinance, charter provision, rule, or regulation of the city, village, or borough in which the court is situ-

ated or of any other city, village, or borough in the county of the court's jurisdiction, if no municipal court has been organized at such place.

(b) *The municipal court has jurisdiction to conduct preliminary hearings and to exercise all judicial powers incident to preliminary hearing proceedings on the charge of violation of any criminal law committed within a county of the court's jurisdiction.*

(c) *The jurisdiction of a municipal court is exclusive to hear, try, and determine a violation of a criminal law, or ordinance, charter provision, or rule, or regulation of the city, village, or borough in which the court is situated. Its jurisdiction is likewise exclusive to conduct preliminary hearings and to exercise all judicial powers incident to preliminary hearings on a charge of violating a criminal law which violation is committed within the city, village, or borough in which the court is situated.*

Cases arising under an ordinance, charter, rule or regulation of a city, village, or borough shall be tried by the court without a jury, except as provided by other laws in cases of appeals to District Court.

Subd. 6. Notwithstanding any provision herein to the contrary, any municipal court organized under Laws 1925, Chapter 120, shall retain and have the criminal jurisdiction provided therein.

Sec. 5. [488.05] Limitations of jurisdiction. Subdivision 1. *The municipal court does not have jurisdiction:*

(a) *Of any civil action involving the title of real estate except actions of forcible entry and unlawful detainer as provided in section 4, subdivision 4;*

(b) *Of any action for divorce;*

(c) *Of any action to recover damages for false imprisonment, libel, slander, malicious prosecution, criminal conversation, seduction, or breach of promise to marry;*

(d) *Of any action wherein equitable relief is demanded;*

(e) *Of any action against an executor or administrator, as such;*

(f) *Of any action against a city, village, borough, county, school district, or any other governmental subdivision or agency;*

(g) To issue writs of habeas corpus, quo warranto, exeat, mandamus, prohibition, injunction, coram nobis, or certiorari;

(h) Of any matter concerning a trust, the estate of a deceased person, or person under guardianship.

Subd. 2. Whenever a counterclaim in excess of \$1,000 is asserted, an equitable defense interposed, or it shall otherwise appear that the municipal court is without jurisdiction in a cause pending therein, 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. Thereafter the cause shall proceed to judgment in the district court as if it had there been commenced, and the costs shall abide the event.

Subd. 3. Except as otherwise herein stated, garnishment summons, subpoenas, and all other civil and criminal process and orders may be served and enforced anywhere within the state. The summons in a civil action or in an action of forcible entry and unlawful detainer may be served only within a county of the court's jurisdiction.

Subd. 4. Where two or more municipal courts exist in any county, the defendant in any civil action commenced in any one of them may have a change of venue therefrom to the municipal court in the county nearest his place of residence by filing, with the clerk of the municipal court in which the action is pending, an affidavit by himself or his attorney, stating definitely his place of residence and the location of the nearest municipal court thereto in the county, accompanied by a demand for such change of venue, not less than three days before the opening day of the term of such municipal court at which such action may be noticed for trial. When such a demand for change of venue is made, the fact shall be recorded and the clerk of the municipal court shall transmit to the municipal court to which the action is transferred all papers filed in the cause. Thereafter the cause shall proceed to judgment as if there had been no demand for change of venue and the costs shall abide the event.

Sec. 6. [488.06] Judges. Subdivision 1. If the governing body of the city, village, or borough determines that there be two judges, one shall be designated the municipal judge, the other may be designated the special municipal judge. If a special municipal judge is designated, he acts only in the absence or disability of the municipal judge.

Subd. 2. If the governing body of the city, village, or

borough determines that there be more than two judges, the judges shall select one of their number as the chief municipal judge who shall be responsible for assigning to the judges the work of the court. If there are only two judges and one is not designated the special municipal judge, the governing body shall designate one as the chief municipal judge.

Subd. 3. Each judge shall be learned in the law and a resident of the county or counties in which the municipal court has jurisdiction. Before entering upon the duties of office each judge shall take and subscribe an oath, in the form prescribed by law for judicial officers, and the oath shall be filed in the office of the secretary of state.

Subd. 4. Each judge shall be elected at the regular city, village, or borough election for a term of six years, beginning on the first Monday of the month next following his election and until his successor qualifies.

Subd. 5. When a new court is organized more than 90 days prior to a regular city, village, or borough election, or whenever there is a vacancy in the office of judge, the governor shall appoint a qualified person to fill the vacancy to hold office until a successor is elected and qualified. If there is no qualified person who will accept the appointment the governor may appoint a suitable person not learned in the law to the office of judge to take office the first Monday of the month next following the next regular city, village, or borough election. The successor shall be elected for a six year term in the next regular city, village, or borough election occurring more than one year after such appointment. In the absence or disability of the municipal judge and special municipal judge of said court, if there be one, the mayor or president of the council may designate a practicing attorney to sit as special judge instead of such municipal judge from day to day.

Subd. 6. The present judges of any municipal court existing in any city, village, or borough are hereby confirmed and continued in office. Each such judge shall serve for the balance of his present term and until his successor is elected and qualified. Each incumbent municipal judge or special municipal judge, in office on the effective date of the municipal court act, is deemed learned in the law for the purpose of his continuance in, and re-election to, his office.

Sec. 7. [488.07] Powers of judges. *Subdivision 1.* Each municipal judge or special municipal judge has the powers of judges of courts of record and all other powers necessary to give effect to the municipal court act.

Subd. 2. Each such judge may administer oaths, take and certify acknowledgments, and is a conservator of the peace.

Subd. 3. A municipal or special municipal judge may punish for contempt of court by a fine not exceeding \$100 or by imprisonment in the county jail, or a city, village, or borough jail for not exceeding 90 days.

Subd. 4. The judge of each municipal court, the chief municipal judge of a municipal court with two judges, or a majority of judges of a municipal court if there be more than two, exclusive of a special municipal judge, may promulgate court rules consistent with the municipal court act.

Sec. 8. [488.08] Restrictions on judges of municipal court and others. *A judge or other officer of a municipal court, except a special municipal judge, is prohibited from appearing or acting for a party in any action or proceeding in such municipal court. A special municipal judge is not prohibited from practicing in the municipal court of which he is an officer. But he shall not sit in the trial of any cause or proceeding wherein he may be interested, directly or indirectly, as counsel or attorney, or otherwise.*

Sec. 9. [488.09] Sessions of municipal court. *Each municipal court shall be opened daily, except on Sundays and holidays, for the hearing and disposition of all matters pending before it. A general term for the trial of civil actions shall be held at least on and following the first Tuesday of each month. All sessions of and terms of the court shall be prescribed by rules consistent with this section.*

Sec. 10. [488.10] Clerk of municipal court. *Subdivision 1. The judge of the municipal court, or the judge, senior in office, if there is more than one, shall appoint a clerk of the court and such deputy clerks as the court may require to serve at the pleasure of the appointing judge.*

Subd. 2. (a) The clerk and each deputy shall take and subscribe an oath to support the constitutions of the United States of America and the state to perform faithfully the duties of his office. The oath shall be filed in the office of the secretary of state;

(b) The clerk and each deputy shall give bond to the state in at least the sum of \$1,000 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 by

order of the court of all moneys coming into his hands. Each bond shall be filed in the office of the secretary of state;

(c) The clerk shall delegate and supervise the work of the deputy clerk;

(d) The clerk and each deputy may administer oaths and affirmations and take acknowledgments. Each deputy shall perform the duties and exercise the powers of the clerk which are delegated to him. The clerk has all the powers and shall perform all the duties incident to the office of a clerk of a court of record or necessary to carry out the purposes of the municipal court act;

(e) The clerk shall make minutes, records, and indices of all proceedings; enter all orders, judgments and sentences; issue all process; keep proper accounts; have custody of all records of the court; and tax all costs and disbursements.

Subd 3. The clerk of the municipal court or deputy thereof may be an officer or employee of the city, village, or borough in which the court is situated provided the official duties of such officer or employee are not incompatible with that of clerk or deputy clerk of the municipal court.

Subd. 4. The compensation of the clerk of municipal court and each deputy shall be fixed by the governing body of the city, village, or borough in which the court is situated.

Subd. 5. The present clerk of court and each deputy of any municipal court existing in any city, village, or borough are hereby confirmed and continued in office. But each clerk and each deputy shall serve at the pleasure of the judge of the municipal court and of the judge, senior in office, if there is more than one.

Subd. 6. (a) Except where otherwise specifically provided by law, or any ordinance, charter provision, rule or regulation of a city, village, or borough in which the court is situated or of any other city, village, or borough in the county of the court's jurisdiction, all fees, fines, and costs collected by the municipal court, or the clerk thereof, shall be paid to the treasurer of the city, village, or borough in which the court is situated and credited to the general fund;

(b) On or before the tenth day of each month, the clerk shall file with the treasurer a verified report showing:

(1) The names of all persons convicted during the preceding month, and the nature of the offense;

- (2) *The fine or other punishment imposed;*
- (3) *The amount paid by cash, and the amount of cash deposited in lieu of bail, since his last report;*
- (4) *The total amount of money received from all sources during the same period;*
- (5) *The names of all persons discharged from jail by order of the court.*
- (c) *The clerk shall receive all fines, deposits, penalties, and other moneys paid into court and keep detailed accounts thereof;*
- (d) *Upon filing the reports required by this subdivision, he shall pay to the treasurer of the city, village, or borough, in which the court is situated, all sums in his hands to which the treasurer is entitled; he shall pay all other moneys to the other public officers entitled thereto; and he shall inform the treasurer of all moneys remaining in his hands pursuant to law or court order;*
- (e) *The clerk shall pay such fees and mileage to witnesses as may be ordered by the judge in any action or proceeding involving a charged violation of a criminal law or municipal ordinance. The clerk shall obtain receipts therefor as vouchers for the sums paid and shall deduct these payments from the amounts otherwise due the officers to whom the clerk is required to pay fees, costs, and fines. If the clerk is without funds to make the payments required by this paragraph, the witnesses shall be paid, upon certification by the clerk, by the city, village, or borough whose municipal ordinance, charter provision, rule or regulation is involved in the proceeding, and in all other cases by the city, village, or borough in which the court is situated. No witness fees under this paragraph shall be paid in advance. No public officer or employee shall be paid any witness fees when he is called upon to testify in a matter resulting from his public employment.*

Sec. 11. [488.11] **Court officers.** *Subdivision 1. The constable, marshal, or chief of police is the court officer of the municipal court in any city, village, or borough of less than 5,000 inhabitants in which a municipal court is established and organized. In all other cities, villages, or boroughs in which a municipal court is established and organized, the governing body thereof may appoint one or more, not exceeding three, court officers who shall have the powers and receive the compensation of policemen, or may direct such policemen as the chief of police may assign to perform such duties. Each*

court officer so appointed shall give bond to the city, village, or borough conditioned upon the faithful performance of his duties for the benefit of all persons interested, the bond to be approved by the governing body.

Subd. 2. A court officer shall serve all papers of the municipal court placed in his hands, and receive the fees allowed constables as provided by Minnesota Statutes, Section 357.12 and acts amendatory thereto. Whenever a court officer receives no salary, he may retain the fees collected; otherwise such fees shall be deposited with the clerk of municipal court to be paid into the treasury of the city, village, or borough in which the court is situated.

Subd. 3. Each court officer shall attend the sessions of the municipal court and perform all duties in connection therewith, when ordered by the court.

Sec. 12. [488.12] Reporter. *Subdivision 1.* The governing body of any city, village, or borough in which a municipal court is situated may by resolution provide for the appointment of a court reporter and fix his compensation. When a resolution has been adopted, the municipal judge, and if more than one, the judge, senior in office, may employ the court reporter and may dismiss him at pleasure.

Subd. 2. When requested by a party, the reporter shall make and furnish a typewritten transcript of the whole, or any part, of the testimony taken or of any proceeding in court, upon being paid therefor such sum per folio as the court, by its rules, prescribes. When directed by a judge, the reporter shall furnish a copy for the judge's use, and act as a referee to take and report testimony without compensation other than his salary.

Sec. 13. [488.13] Fees payable to clerk. *Subdivision 1:* The fees payable to the clerk in civil actions are:

(a) \$3 payable by the plaintiff, in addition to any other fee which may be required by law, when the action is entered or when the first paper of the plaintiff is filed;

(b) \$3 payable by the defendant, other adverse or intervening party, anyone of several defendants, or other adverse or intervening parties appearing separately from the others when his or their appearance is entered in the action or when the first paper on his or their part is filed.

(c) \$5 for trial by jury of six persons, \$10 for trial by jury of 12 persons. The fee paid for trial by jury shall be re-

funded if a jury panel is not sworn for voir dire in the action.

No trial fee is payable by any party when trial is by a judge without a jury.

Subd. 2. Except as provided in subdivision 1, the fees payable to the clerk are the same in amount as the fees for like services payable to the clerk of district court in any county of the municipal court's jurisdiction.

Subd. 3. Fees for services of the clerk of the court not covered by this section shall be fixed by rules of the court.

Subd. 4. All fees are payable to the clerk in advance.

Subd. 5. No fees of the clerk of the court are payable by the state, county, city, village, or borough, except as herein provided in subdivision 6.

Subd. 6. The following fees shall be taxed in all cases where applicable:

(a) The state of Minnesota and any governmental subdivision within the jurisdictional area of any municipal court herein established may present cases for hearing before said municipal court;

(b) In the event the municipal court takes jurisdiction of a prosecution for the violation of a statute or ordinance by the state or a governmental subdivision other than the city, village, or borough in which the court is situated, all fines, penalties, and forfeitures collected shall be paid over to the treasurer of the governmental subdivision which submitted a case for prosecution under ordinance violation and to the county treasurer in all other cases except where a different disposition is provided by law, in which case, payment shall be made to the public official entitled thereto. The following fees shall be taxed to the county or to the state or governmental subdivision which would be entitled to payment of the fines, forfeiture or penalties in any case, and shall be paid to the clerk of the court for disposing of the matter:

(1) In all cases where the defendant is brought into court and pleads guilty and is sentenced, or the matter is otherwise disposed of without trial *\$5*

(2) In arraignments where the defendant waives a preliminary examination *\$10*

(3) In all other cases where the defendant stands trial or has a preliminary examination by the court *\$15*

Sec. 14. [488.14] **Costs and disbursements.** *Subdivision 1. Costs in civil action shall be allowed as follows:*

(a) *To the plaintiff, upon a judgment in his favor of \$50 or more in an action for the recovery of money only; when no issue of law or fact is joined, \$5; when issue is joined, \$10; in all other actions, \$5;*

(b) *To the defendant, upon discontinuance or dismissal, \$5; upon a judgment in his favor upon the merits, \$5; if the amount of plaintiff's claim be \$50 or more, \$10;*

(c) *To the prevailing party on motion, in the discretion of the court, \$10 or less, which may be made absolute or to abide the event.*

Subd. 2. In all cases the prevailing party shall be allowed his disbursements.

Sec. 15. [488.15] **Jury trials.** *Subdivision 1. Except as otherwise provided in the municipal court act, the laws relating to jury trials in the district court apply to jury trials in a municipal court.*

Subd. 2. Petit jurors for the trial of all types of actions shall be selected in accordance with this section.

Subd. 3. Before the first day of September of each year, the mayor and city clerk of each city, village and borough having a municipal court, or in the absence or disability of either, the officer authorized to perform his duties, meeting with the judge or judges of the municipal court shall select from the qualified electors of the city, village, or borough in which the court is situated a list of not less than 72 and not more than 144 persons properly qualified to serve as petit jurors and certify the list to the clerk of municipal court. If there is a deficiency of persons on the list, the said mayor and city clerk, or in the absence or disability of either, the officer authorized to perform his duties, meeting with the judge or judges of the municipal court may select from the qualified electors of the city, village or borough, additional persons to cover the deficiency and certify and deliver to the clerk a supplementary list which shall thereafter stand as a part of the original list. The validity of the selection is not affected by the fact that any person selected is disqualified from serving as a juror.

Subd. 4. Petit jurors shall be drawn from the list of persons properly qualified as certified. The clerk of municipal court shall issue a venire for the jurors drawn which shall be returnable on such dates and hours as the judge or judges

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

Subd. 5. When necessary, the court may issue a special venire.

Subd. 6. Failure to attend as a juror when duly drawn and summoned is punishable as contempt of court.

Subd. 7. Jurors shall be paid by the city, village, or borough in which the court is situated the same compensation and mileage as prescribed by law for the jurors of the district court. The clerk of municipal court shall deliver to each juror a certificate showing the number of days of service and the mileage for which he is entitled to receive compensation. This certificate shall be filed with the clerk of the city, village, or borough in which the court is situated and the amount due shall be paid from the treasury of such city, village, or borough. The certificate is a proper and sufficient voucher for the issuance of a warrant. Any juror regularly summoned who actually attends at the time named in such summons is entitled to per diem and mileage whether or not sworn as a juror.

Subd. 8. Whenever a petit jury is desired by a party to a proceeding in municipal court, and such jury is permitted by law, such party shall request such jury, in writing, when the case is set for trial and pay the fees prescribed by the municipal court act.

Sec. 16. [488.16] Pleading, practice, and procedure in civil actions. *Subdivision 1. Pleading, practice, procedure, and the forms thereof in civil actions in a municipal court are governed by the rules for municipal courts promulgated from time to time by the supreme court of this state under Laws 1947, Chapter 498, or by the statutes governing the district court of this state insofar as the rules promulgated by the supreme court or the provision of the municipal court act do not contain any applicable provision. Any provision of the municipal court act inconsistent with a rule of the supreme court heretofore or hereafter promulgated is superseded thereby.*

Subd. 2. The defeated party in an action wherein the title to land is involved, and which has been determined against him, may secure a second trial thereof in the district court by:

(1) Depositing with the clerk, within 24 hours after notice of the judgment, the amount of all costs and disbursements included therein;

(2) *Serving notice upon the adverse party, within 48 hours, that he will apply to the court, on the first day of the next term occurring more than four days thereafter, for an order transferring the case to the district court for such trial, and fixing the amount of the bond hereinafter mentioned; the names of his proposed sureties shall be inserted in such notice;*

(3) *Giving bond to the adverse party, in such amount and with such sureties as the court shall fix and approve, conditioned for the payment to him or his assigns of all costs and disbursements which he shall recover upon such second trial and of all rents, profits, and damages accruing or resulting to him during the pendency of the action, and to abide by any order the court may make therein.*

Upon filing of such bond, duly approved, within five days after the amount thereof is so fixed, the court shall cause the case to be forthwith certified and transmitted to the clerk of the district court, with all the papers on file therein.

Upon service of the notice herein provided for, all proceedings under the judgment shall be stayed until otherwise ordered.

Subd. 3. No judgment of a municipal court shall be a lien upon the real estate until a transcript thereof is filed and docketed with the clerk of the district court. If no execution thereon be outstanding, the judgment creditor may cause such transcript to be docketed in the same county, and thereafter execution may issue from either court. The clerk with whom the transcript is so filed may issue transcripts to be filed and docketed in other counties, as in the case of a judgment originally rendered in his court. When docketed as herein provided, the judgment shall have the same force and effect, in all respects, as a judgment of the district court.

Subd. 4. Writs of replevin, attachment, and execution may be issued in accordance with the practice and procedure for such writs in district court, but a judge rather than a sheriff or police officer shall approve all bonds requiring approval.

Subd. 5. When a writ of execution has been delivered to an officer for enforcement, any person indebted to the judgment debtor may pay the amount of such debt, or so much thereof as may satisfy the execution, to the officer holding the writ and the receipt of that officer reciting the facts is a sufficient discharge and satisfaction of so much of said debt as is so paid.

Subd. 6. Proceedings against garnishees may be instituted in the same manner as in the district court of the state. The garnishment summons may be served either by an officer or any person not a party to the action, at any place within the state of Minnesota, and the service shall in all cases be personal. The disclosure of the garnishee shall be made and all further proceedings had in the same manner as if the proceedings were in the district court, but the summons shall require disclosure within ten days after service, and service upon the defendant shall be made not later than ten days after the service on the garnishee.

Sec. 17. [488.17] Pleading, practice, and procedure in criminal and related proceedings. *Subdivision 1. Except as otherwise provided in the municipal court act, pleading, practice, procedure, and the forms of actions charging violations of a criminal law or a municipal ordinance, charter provision, rule, or regulation are governed by the pleading, practice, procedure, and the forms of actions in similar matters in the district court.*

Subd. 2. The judges of the municipal courts of the state when assembled pursuant to section 18 may adopt rules governing pleading, practice, procedure, and forms in actions charging violation of a criminal law or municipal ordinance, charter provision, rule, or regulation which are not inconsistent with the provisions of the municipal court act or any other law of the state. Such rules shall apply in each municipal court.

Subd. 3. Complaints charging violation of a criminal law or a municipal ordinance, charter provision, rule, or regulation shall be sworn to before the clerk or any judge of the court and shall be filed with the clerk.

Subd. 4. Where alleged offenders are in custody and brought before the court or the clerk without process, the clerk shall enter upon the records of the court a brief statement of the offense with which the defendant is charged, which shall stand in place of a complaint unless the court shall direct a formal complaint to be made.

Subd. 5. The plea of the defendant shall be "guilty" or "not guilty." In case of a failure to plead, the clerk shall enter a plea of "not guilty." Former acquittal or conviction for the same offense may be proved under a plea of "not guilty."

Subd. 6. The judge, clerk, or deputy clerk of a municipal court may issue warrants.

Subd. 7. Any judge may set the amount of bail for any violation of a law of this state or a municipal ordinance, charter provision, rule, or regulation for which bail is allowed under the laws of the state. A bail bond in such amount may be posted or the person to give bail, in lieu of bail bond, may deposit with the clerk a sum of money equal to the amount of the bail so fixed.

Subd. 8. The clerk shall keep minutes of preliminary hearings on indictable offenses and make proper return to the court before which the person charged with the offense may be bound to appear.

Subd. 9. Violations of a municipal ordinance, charter, rule, or regulation of a city, village, or borough shall be prosecuted by the city, village, or borough attorney of the place where the violation occurred. Misdemeanors shall be prosecuted by the city, village, or borough attorney of the place where the court is situated. All other offenses shall be prosecuted by the county attorney of the county in which the violation occurred.

Sec. 18. [488.18] Municipal judges association, rules of practice. *The judges of the municipal courts of the state may assemble annually at such time and place as may be designated by the president of the Minnesota municipal judges association. When so assembled the judges may formulate and revise the general rules of practice in such courts as they deem expedient, conformable to law, which rules shall not be inconsistent with the municipal court act or the rules for municipal courts promulgated from time to time by the supreme court. Any other proper business pertaining to such municipal courts may also be transacted. Any city, village, or borough of this state, however organized, may appropriate through its governing body, out of its general fund, money to pay the actual and necessary expenses of such judges in attending such assembly.*

Sec. 19. [488.19] Forcible entry and unlawful detainer actions. *Subdivision 1. In forcible entry and unlawful detainer actions, the summons shall be issued by the clerk and may be made returnable on any day not less than three days after the issuance of such summons.*

Subd. 2. In forcible entry and unlawful detainer actions, the municipal court shall be governed by Minnesota Statutes, Sections 566.01 to 566.16. The forms therein prescribed with appropriate modifications may be used.

Subd. 3. Whenever a duly verified complaint in an ac-

tion of forcible entry or unlawful detainer shows one of the causes of action set forth in Minnesota Statutes, Section 566.03, and on the return day of the summons the defendant does not appear, the judge, upon proof of the due service of summons, shall enter an order adjudging the defendant to be in default, and thereafter the clerk shall enter judgment for the plaintiff without the introduction of evidence.

Sec. 20. [488.20] Appeals to district court. *Appeals may be taken to the district court of the county from the judgments of municipal courts in the same cases, upon the same procedure, and with the same effect as provided by law respecting appeals from justice courts, and all laws relating to such last named appeals shall be adapted and applied to appeals from the municipal courts. The time for appeal shall not start to run until the judgment has been perfected, the costs taxed, and notice of entry of judgment served upon the adverse party.*

Sec. 21. Minnesota Statutes 1957, Section 488.30, is amended to read:

488.30 Any county within the state having a population of less than 100,000 within which is located one or more municipal courts established and organized under the municipal court act, may, by resolution of the board of county commissioners thereof, pay to each municipality within which a court is located a sum of money not exceeding one-half of the costs of the court to the municipality. This sum shall not in any event exceed the sum of \$3,000 per year for each court.

Sec. 22. Repealer. *Laws 1876, Chapter 200, Laws 1885, Chapters 115 and 116, Laws 1891, Chapter 59, Laws 1895, Chapter 229, Laws 1907, Chapter 176, Laws 1913, Chapter 33, Laws 1915, Chapters 10 and 25, Laws 1925, Chapter 120, Laws 1927, Chapter 61, Laws 1929, Chapters 4 and 253, Extra Session Laws 1935, Chapter 88, Extra Session Laws 1937, Chapter 72, Laws 1941, Chapter 187, Laws 1951, Chapter 625, and acts amendatory thereto and Minnesota Statutes 1957, Sections 488.01 to 488.29 are repealed. Any and all other acts and provisions of law relating to municipal courts, excepting municipal courts in cities of the first class, are repealed. Notwithstanding the provisions of this section, all salary and other compensation schedules in effect at the time of the passage of this act shall remain in effect until otherwise prescribed by the legislature.*

Sec. 23. **Effective date.** *The municipal court act is in effect on January 1, 1960.*

Approved April 24, 1959.

CHAPTER 661—S. F. No. 1075

An act relating to the South Dakota-Minnesota boundary waters commission; amending Minnesota Statutes 1957, Section 114.03.

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

Section 1. Minnesota Statutes 1957, Section 114.03 is amended to read:

114.03 **Hearings; publications.** Hearings shall be held at such time and place as may be designated by the commission, in either state, in any county affected by the subject matter. At least two weeks' *published* notice of the hearings shall be given by publication of the notice in a legal newspaper in each county bordering on the boundary waters which may be affected by the subject matter of the hearing. All final orders of the commission shall be published once each week for two consecutive weeks in a legal newspaper in each county bordering on the boundary waters which may be affected thereby. *The printer's affidavit of publication of all notices and orders shall be filed with the commission.*

Sec. 2. *This act shall become effective immediately after the passage of an act in substantial conformance herewith by the legislature of South Dakota.*

Approved April 24, 1959.

CHAPTER 662—S. F. No. 1641

[Coded in Part]

An act relating to the policemen's pension association and policemen's pension fund in certain cities, amending Minnesota Statutes 1957, Section 423.71, Subdivision 2 and 3, Section 423.715, Section 423.75, Subdivision 3.

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

Section 1. Minnesota Statutes 1957, Section 423.71, Subdivision 2, is amended to read: