

the hearing de novo the municipal judge shall consider the entire file of the conciliation court together with any subsequent affidavits or showing made by either party.

(d) The clerk of municipal court shall send a copy of the order made after the de novo hearing to both parties and return the file to the conciliation court.

Approved April 26, 1963.

CHAPTER 367—H. F. No. 869

[Coded in Part]

An act relating to the municipal court of the city of Duluth; amending Minnesota Statutes 1961, Section 488A.40, Subdivisions 1 and 2, and adding a new subdivision.

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

Section 1. Minnesota Statutes 1961, Section 488A.40, Subdivision 1, is amended to read:

488A.40 **Duluth municipal court; clerks, deputies, records.** Subdivision 1. **Appointment, oath, bond.** There shall be a clerk of said municipal court, who shall be appointed by the judges of said court, and the said judges shall have the power to remove said clerk at pleasure. Such clerk, before he enters upon the duties of his office, shall take and subscribe an oath to support the constitution of the United States and of the state of Minnesota, and to faithfully and honestly discharge and perform the duties of his office, and shall execute to the city of Duluth a ~~penal~~ bond in such sum and with such sureties as the city council shall direct and approve, conditioned that he will account to and pay over to the treasurer of said city, on each day, all fines, penalties, fees and other money belonging to or to go to said city which may have come into his hands during said day, and that he will at all times pay over to all persons on demand, all money to which they may be entitled which may have come into his hands in virtue or by reason of his office, and that, at the end of his term of office, he will forthwith pay over to the city of Duluth all money to which said city shall then be entitled, and to his successor in office all other money then remaining in his hands by virtue of his office. Such oath and bond shall be filed in the office of the auditor of said city.

Changes or additions indicated by italics, deletions by ~~strikeout~~.

And the city auditor shall, on or before the tenth day of each month, examine the books and records of said court, and the reports of said clerk for the month next preceding, and make report to the city council of his findings immediately thereafter.

Sec. 2. Minnesota Statutes 1961, Section 488A.40, Subdivision 2, is amended to read:

Subd. 2. Deputy clerks, employees; powers, duties. The clerk of said court, with the consent and approval of the judges shall have the power to appoint a chief deputy clerk with like powers of the clerk, but acting under authority of said clerk, three senior deputy clerks, one to serve as clerk for the conciliation court established pursuant to Laws 1927, Chapter 17, and two deputy clerks who shall have like powers as said senior deputy clerks. The clerk of said court, under the direction of the judges of said court, 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, probation officer 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 shall so direct, the clerk of said court shall assign one senior deputy clerk to assist the probation officer in the performance of his duties. Each of the said deputy clerks before entering upon the performance of the duties of his office shall first take and subscribe an 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~~ *such sum and* 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. 3. Minnesota Statutes 1961, Section 488A.40, is amended by adding a new subdivision to read:

Subd. 4. Destruction of records. (a) Upon order of all

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the judges, the clerk may dispose of all the following types of files and records of the court which are more than ten years old:

- (1) *All general and special term calendars including unlawful detainer.*
- (2) *Court reporter notes except in criminal cases.*
- (3) *Receipt books, cancelled checks for the municipal court, probation officer and personal receiver.*
- (4) *Judges' docket sheets, bail receipts, and cash sheets.*
- (5) *Conciliation court calendars, receipt books, and cancelled checks.*
- (6) *Court officer records.*
- (7) *Court journals and judges' records.*

(b) Upon order of all the judges, the clerk may destroy or dispose of all files and related records of civil actions, conciliation court files and unlawful detainer actions which were commenced more than 20 years prior to the judges' order. A copy of such order shall be sent to the Minnesota state archives commission and St. Louis county historical society. If no petition or application requesting the records under Minnesota Statutes, Section 138.17, is received by the court within 30 days after mailing of the order, the records shall be destroyed by the clerk having custody.

Approved April 26, 1963.

CHAPTER 368—H. F. No. 907

[Not Coded]

An act relating to Washington county; providing for compensation of the county coroner and his deputies.

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

Section 1. Washington county; coroner's compensation. The coroner of Washington county or his authorized deputies shall receive from the county as compensation for performance of services not less than \$10, nor more than \$25 per day, and such necessary travel expenses not to exceed 7-1/2 cents per mile, as the county board shall determine. Such compensation shall be paid monthly from the general fund of the county.

Changes or additions indicated by italics, deletions by ~~strikeout~~.