

and hour specified in such order of the court, to serve as petit jurors. The sheriff shall summon such persons to attend as petit jurors and make return thereof in the same manner as herein prescribed for summoning and making return of grand jurors. Whenever it appears to the court that there is or may be a deficiency of petit jurors, the judge shall from time to time order the clerk or one of his deputies to draw, in the presence of and under the direction of the judge, from the box containing the names of persons selected as petit jurors made, certified, and prepared for drawing, a specified number of additional persons to serve as petit jurors. The clerk shall forthwith issue venire to the sheriff directing him to forthwith summon the persons so drawn to report for service as petit jurors at such time as the court shall order. When a sufficient number of petit jurors, drawn and summoned, cannot be obtained for the trial of any cause, the court may order the sheriff or one of his deputies, or the coroner, to summon qualified voters from the bystanders or from the county at large to complete the panel, and such persons shall be qualified to serve as petit jurors. Any person so summoned shall be entitled to compensation and mileage as provided by law for jurors.

Sec. 5. Questionnaires to prospective jurors. The court may by rule direct the clerk to send questionnaires to prospective jurors and to jurors drawn for service, requesting of such persons information regarding their qualifications and availability to serve as jurors and such other information the court may direct.

Sec. 6. Effective date. This act shall take effect on July 1, 1967.

Approved May 24, 1967.

CHAPTER 747—H. F. No. 2207

An act relating to the municipal court of the city of St. Paul and the conciliation court of the city of St. Paul; increasing the civil jurisdiction of the municipal court; providing for a chief judge; providing for judges' salaries; providing for clerk's salary; providing for filing and trial fees; amending Minnesota Statutes 1965, Sections 488A.18, Subdivision 4; 488A.19, Subdivisions 9 and 10; 488A.20, Subdivision 6; 488A.23, Subdivisions 1, 2 and 3; 488A.27, Subdivision 7; 488A.31, Subdivisions 1 and 5; and 488A.34, Subdivisions 2 and 3.

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

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

Section 1. Minnesota Statutes 1965, Section 488A.18, Subdivision 4, is amended to read:

Subd. 4. **St. Paul, city of; municipal and conciliation courts; civil jurisdiction.** (a) Excepting cases involving title to real estate, the court has jurisdiction to hear, try and determine civil actions at law in which the amount in controversy does not exceed the sum of ~~\$5,000~~ *\$6,000*, exclusive of interest and costs. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Ramsey.

(b) The court also has jurisdiction, within the limitations provided in this subdivision, to hear, try and determine civil actions commenced by a plaintiff, resident of Ramsey county, where the action arose out of alleged negligent operation of a motor vehicle in Ramsey county, notwithstanding that the defendant or defendants are not residents of the county. Notwithstanding any law or rule of civil procedure to the contrary, the summons in any such action may be served anywhere within the state of Minnesota.

Sec. 2. Minnesota Statutes 1965, Section 488A.19, Subdivision 9, is amended to read:

Subd. 9. **Chief judge.** *The judge who shall have continued in office the longer at any given time shall be deemed and designated, by way of distinction, as the senior judge of this court. In case two or more of the judges have had equal terms of service, then, and in that case, the elder of said judges shall be deemed the senior judge. The judges shall meet annually and elect one of their number to be presiding judge, who shall be designated as the chief judge of the court. In the event of a tie vote the judge who is senior in service shall be the chief judge. Said judge shall preside at all meetings of the judges. The business of the court may be divided between the judges, and the chief judge shall assign and designate what duties each judge shall perform.*

Sec. 3. Minnesota Statutes 1965, Section 488A.19, Subdivision 10, is amended to read:

Subd. 10. **Salaries.** Each judge shall be paid an annual salary of ~~\$16,000~~ *\$18,000* in semimonthly installments out of the treasury of the city of Saint Paul. If a judge dies, the amount of his salary remaining unpaid for the month in which his death occurs shall be paid to his estate.

Sec. 4. Minnesota Statutes 1965, Section 488A.20, Subdivision 6, is amended to read:

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Subd. 6. **Salaries.** (a) The clerk shall be paid an annual salary of ~~\$10,000~~ *\$13,000* a year.

(b) The bailiffs shall be paid the same salary as a patrolman in the bureau of police of the city of Saint Paul.

(c) The salaries of the deputy clerks and assistant clerks shall be set by the city council; however, the present salary of any employee of this court shall not be reduced by virtue of this act. The fact that the city council may, for payroll purposes or otherwise, designate the assistant clerks of this court by a different title shall not affect their acting as assistant clerks of this court.

(d) All salaries under this act shall be payable out of the city treasury in semimonthly installments.

Sec. 5. Minnesota Statutes 1965, Section 488A.23, Subdivision 1, is amended to read:

488A.23 Fees payable to the clerk. Subdivision 1. **Filing fees in civil actions.** The fees payable to the clerk of the following services in civil actions shall be:

(a) ~~\$3~~ *\$6* payable by the plaintiff, in addition to any library fee otherwise required, when the action is entered in court or when the first paper on the plaintiff's part is entered:

(b) ~~\$2~~ *\$4* payable by the defendant or other adverse or intervening party, or any one or more 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.

Sec. 6. Minnesota Statutes 1965, Section 488A.23, Subdivision 2, is amended to read:

Subd. 2. **Appeals from justice courts.** Upon appeal from any justice of the peace court in the city of Saint Paul, the appealing party shall pay ~~\$5~~ *\$8* where the appeal is to be heard by the court without a jury, ~~\$8~~ *\$14* where a jury of six is demanded and ~~\$10~~ *\$20* where a jury of twelve is demanded. Out of this fee paid for perfecting such appeal the clerk of this court shall return to the appropriate justice of the peace the sum of \$2 as compensation for said justice making his return to this court.

Sec. 7. Minnesota Statutes 1965, Section 488A.23, Subdivision 3, is amended to read:

Subd. 3. **Trial fees in civil actions.** In all civil actions at

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the time trial is demanded, the following fees shall be paid to the clerk by the party making such demand:

- (a) ~~\$3~~ \$6 for demand of trial by jury of six,
- (b) ~~\$5~~ \$12 for demand of trial by a jury of twelve.
- (c) No trial fee shall be payable by any party when trial by the court without a jury is demanded.

Sec. 8. Minnesota Statutes 1965, Section 488A.27, Subdivision 7, is amended to read:

Subd. 7. **Process.** All warrants and other criminal process issued by this court shall be tested in the name of the ~~senior~~ *chief* judge.

Sec. 9. Minnesota Statutes 1965, Section 488A.31, Subdivision 1, is amended to read:

488A.31 **Commencement of action.** Subdivision 1. **Filing fee.** An action is commenced against each defendant when the complaint is filed with the clerk of conciliation court and a filing fee of ~~one dollar~~ \$2 is paid to the clerk or the prescribed affidavit in lieu of filing fee is filed.

Sec. 10. Minnesota Statutes 1965, Section 488A.31, Subdivision 5, is amended to read:

Subd. 5. **Counterclaim.** (a) The defendant may interpose as a counterclaim any claim within the jurisdiction of the court which he has against the plaintiff whether or not arising out of the transaction or occurrence which is the subject matter of the plaintiff's claim.

(b) The counterclaim shall be interposed by filing with the clerk a brief statement of the amount, date of accrual and nature of the counterclaim, verified by the defendant, and paying a filing fee of ~~one dollar~~ \$2 to the clerk. The clerk shall draw up the counterclaim on request.

(c) The clerk shall note the filing of the counterclaim on the original claim, promptly notify the plaintiff by mail of the filing and set the counterclaim for hearing on the same date as the original claim.

(d) The counterclaim shall be filed not less than five days before the date set for court hearing. The judge, in his discretion, may thereafter allow the filing of a written or oral counterclaim before or after hearing the merits of the claim and counterclaim.

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The judge, in his discretion, may require the payment of absolute or conditional costs up to \$25 by the defendant to the plaintiff as a condition of allowing late filing in the event that a continuance is requested by the plaintiff and is granted because of such late filing.

(e) If the defendant has a counterclaim which exceeds the jurisdiction of the court and the defendant files an affidavit by himself with the clerk not less than five days before the date set for court hearing showing that he has filed with the clerk of a specified other court of competent jurisdiction a complaint seeking recovery from the plaintiff on the counterclaim and stating the nature and amount thereof, the clerk shall strike the action from the calendar and so advise the plaintiff by mail. If the plaintiff not less than 30 days nor more than three years after the filing of such an affidavit shall file an affidavit showing that he has not been served with a summons in the other action or that the other action has been finally determined, the clerk shall again set the cause for court hearing and summon the defendant in the same manner as for the initial hearing and the court shall proceed to hear and determine plaintiff's claim. If no such counter-affidavit is filed by plaintiff within three years, his original claim is dismissed without prejudice without any further action by the clerk or any judge. Prior to the expiration of this three-year period the plaintiff's original claim may be dismissed by plaintiff or by court order at a hearing upon motion of the defendant.

Sec. 11. Minnesota Statutes 1965, Section 488A.34, Subdivision 2, is amended to read:

Subd. 2. **Procedure for removal of cause.** No cause shall be so removed unless all the following acts are performed by the aggrieved party within ten days after the date the clerk mailed to him notice of the order for judgment.

(a) Serve on the opposing party a demand for removal of the cause to the municipal court for trial de novo stating whether trial by a jury of six or twelve or by the court without a jury is demanded. Service shall be made upon a party in accordance with the provisions for personal service of a summons in the municipal court.

(b) File with the clerk of conciliation court the original demand for removal and proof of service thereof. If the opposing party cannot be found and service of the demand be made within the ten-day period, the aggrieved party may file with the clerk within the ten-day period the original and a copy of the demand, together with an affidavit by himself showing that due and diligent search

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has been made and that the opposing party cannot be found and the filing of this affidavit shall serve in lieu of making service and filing proof of service. When such an affidavit is filed, the clerk shall mail the copy of the demand to the opposing party at his last known residence address.

(c) File with the clerk of conciliation court an affidavit by the aggrieved party stating that the removal is made in good faith and not for the purpose of delay.

(d) Pay to the clerk of conciliation court \$3 \$6 when the demand is for trial by court, plus \$3 \$6 additional when the demand is for trial by a jury of six or \$5 \$12 additional when the demand is for trial by a jury of twelve.

Sec. 12. Minnesota Statutes 1965, Section 488A.34, Subdivision 3, is amended to read:

Subd. 3. **Demand for trial by jury.** If the opposing party desires trial by jury when trial by court has been demanded in the removal, or trial by jury of twelve when trial by jury of six has been demanded in the removal, he shall: (a) serve a demand for trial by jury of six or twelve on the aggrieved party, (b) file the demand with proof of service with the clerk of conciliation court within ten days after the demand for removal was served upon him, and (c) pay to the clerk of conciliation court at the time of such filing a fee of \$3 \$6 if he demands a jury of six \$5 \$12 if he demands a jury of twelve or \$2 \$6 if he demands a jury of twelve instead of six previously demanded by the aggrieved party.

Approved May 24, 1967.

CHAPTER 748—H. F. No. 2269

[Not Coded]

An act relating to Stearns county; authorizing the establishment of a civil service system for personnel in the office of the sheriff.

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

Section 1. **Stearns county; sheriff; civil service.** The board of county commissioners of Stearns county may establish a civil service personnel system for personnel in the office of the sheriff pursuant to the provisions of Minnesota Statutes, Sections 387.32 to 387.45.

Changes or additions indicated by italics, deletions by strikeout.