

## CHAPTER 83.

[H. F. No. 851.]

AN ACT TO AMEND CHAPTER THREE HUNDRED AND TWENTY-THREE (323) OF THE SPECIAL LAWS OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887) ENTITLED "AN ACT TO ESTABLISH A MUNICIPAL COURT IN THE CITY OF DULUTH.

*Be it enacted by the Legislature of the State of Minnesota.*

SECTION 1. That section four (4) of said chapter be and the same is hereby amended to read as follows:

"Section 4. There shall be a clerk of said municipal court who shall be appointed by the judge of said court, and the judge shall have 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 state of Minnesota, and to faithfully 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 judge of said court shall approve, conditioned that he will account to and pay over to the treasurer of said city on the first (1st) Monday of every month all fines, penalties, fees and other moneys belonging to or to go to said city which may have come into his hands during the month next preceding, and that he will at all times pay over to all other persons on demand all moneys 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 moneys to which said city shall then be entitled, or to his successor in office all other moneys then remaining in his hands by virtue or by reason of his office. Such oath and bond shall be filed in the office of the city clerk of said city.

SEC. 2. That section seven (7) of said chapter be and the same is hereby amended so as to read as follows:

Section 7. The clerk of the municipal court shall have the custody and care of all the books, papers and records of said court, and of the furniture of the court room, jury rooms and other offices of said court, and shall from time to time, under the direction of the judge procure and furnish all the necessary blanks, stationery, record books, court room, jury room and office furniture and lights and fuel for the use of the court and the officers thereof, at the expense of the city. He shall be present by himself or deputy, unless absent from sickness or by the consent of the judge, and in case of the absence of both clerk and deputy, the judge may appoint some person temporarily to the position. He may swear all witnesses and jurors, and administer all other oaths and affidavits, and take acknowledgements. He shall keep minutes of all proceedings and enter all judgments, and make up and keep the record of the court under the direction of the judge, and when the judge is not present adjourn the court from day to day until the special judge is requested to act. He shall tax all costs and disburse-

ments allowed in any action, subject to review by the judge, and do all other acts and things necessary and proper to the enforcing and carrying out of the jurisdiction of the municipal court. He shall receive and collect all fines, penalties and fees of every kind, accruing to the court or any officers thereof, including police officers, and keep full, accurate and detailed accounts of the same, and shall on the first (1st) Monday of every month deliver over to the city treasurer of the city of Duluth, moneys so received, with detailed accounts thereof, and take his receipt therefor.

SEC. 3. That section twelve (12) of said chapter be and the same is hereby amended so as to read as follows:

Section 12. Trial by jury in the municipal court shall in all respects be conducted as in the district courts of this state; and all laws of a general nature applicable to jury trials in said district courts shall apply to said municipal court, *provided*, that upon consent of both parties, entered upon the record, a jury of six (6) may be ordered by the court.

Jurors in said municipal court shall be provided and drawn in the following manner: The mayor or acting mayor of said city of Duluth, the city clerk and the judge of said court, shall on the first (1st) Monday in January and July of each year, meet at the office of the city clerk, and from the legal voters of said city select and designate one hundred and forty-four (144) legal voters of said city as the jurors of said municipal court, to serve therein when required and drawn during the succeeding six (6) months, and until their successors are selected and certified, and shall thereupon certify said names so selected to the clerk of said municipal court, who shall thereupon write said names upon separate ballots, and place the same in a wheel or box; and whenever a jury is required in said court said clerk shall draw from said wheel or box for a jury of six (6) twelve (12) ballots, and for a jury of twelve (12) twenty-four (24) ballots, and the persons named upon said ballots shall be summoned to attend the trial of the cause wherein they were drawn, and the first (1st) six (6) or twelve (12) so drawn and summoned shall constitute the jury, unless excused by reason of challenge or otherwise, in which case the clerk shall in the order in which they were drawn call so many of the remaining jurors so drawn and summoned as may be necessary to complete the jury; and if so many of the jurors so drawn and summoned shall by reason of challenge or otherwise, be excused, so that a jury cannot be obtained therefrom, the court may order jurors to be summoned from the bystanders, or from the city at large, to complete the panel, as in the district courts of this state. After a jury has been obtained the clerk shall place the names of all the jurors in said wheel or box and cause the same to be intermingled with those not drawn; but no juror shall be required to serve as such in said court oftener than once each month; *provided*, that whenever in the opinion of the judge it is necessary, the court may order a special venire to issue to the proper officer, commanding him to summon from the city at large a number therein named of competent persons to serve as jurors in any cause.

Jurors in said municipal court shall be entitled to like fees in the

trial of civil actions as jurors in justices courts, to be collected and paid in the same manner.

Like peremptory challenges may be made by either party, as in the district court. The jurors shall take the same oath which is prescribed for jurors in the district court, and the respective functions of judge and jury upon the trial of causes, shall be the same as in the district court, and exceptions to the rulings and decisions of the judge, and his charge and refusal to charge, may be taken as upon trials in the district court.

When no other provisions are otherwise made in this act, said municipal court is vested with all the powers which are possessed by the district court of this state, and all the laws of a general nature shall apply to said municipal court, as far as the same may be made applicable to and not inconsistent with this act. Jurors in criminal cases shall be entitled to like fees as in civil cases, which said fees shall be taxed as a part of the costs in the case; *provided*, that when the fees of jurors, witnesses or interpreters in criminal trials or examinations are chargeable to and against the county of St. Louis, the clerk of said municipal court shall deliver to each juror, witness or interpreter a certificate signed by said clerk and by the judge of said court for the number of days served and miles traveled, for which he is entitled to receive compensation; and said certificate shall be filed with the county auditor, who shall issue his warrant on the treasurer of the county for the amount due, which certificate shall be a sufficient and proper voucher for the issuance of said warrant.

*And provided further*, that when the fees of any juror, witness or interpreter shall be chargeable to and against the city of Duluth, the clerk of the municipal court shall make out and certify an order for such juror, witness or interpreter, for the amount due said juror, witness or interpreter, and when so drawn and signed by the clerk and by the judge of said court, the same shall be countersigned by the comptroller, when the same may be presented to the city treasurer, who shall pay the same without any other or further order or action; and the said treasurer may hold said order as his voucher for and to be used in settlement with the common council.

Said municipal court shall have the same power to compel the attendance of jurors and witnesses that is by law given to the district courts of this state.

SEC. 4. That section seventeen (17) of said chapter be and the same is hereby amended so as to read as follows:

Section 17. The judge of said court shall receive a salary of two thousand five hundred dollars (\$2,500) per year. The clerk of said court shall receive a salary of one thousand two hundred dollars (\$1,200) per year, and any deputies appointed by the judge of said court, when certified by him to be necessary for the business of said court, shall receive a salary at the rate of fifty dollars (\$50) per month for the time actually employed by order of the judge of said court. The city attorney shall receive a salary of six hundred dollars (\$600), exclusive of the salary paid said officer by the common council of said city. The salary of each of said officers shall be payable from the city treasury of the city of Duluth in monthly installments, and neither the said judge, clerk or city attorney shall receive any other fees or

compensation for his services; but in all proceedings had in said municipal court, like fees shall be charged and collected by the clerk, as costs, as are allowed by law to justices of the peace in proceedings and trials before them, or for similar services. Police officers of said city are hereby vested with all the powers of constables, under the statutes of the state of Minnesota, as well as at common law; and the police officers in making service of any process, or doing any other duty in respect to causes in said court, shall note and return to the court for collection such fees as are allowed to constables for the like services in justice courts; and all fees, whether so charged by the clerk or any police officer, whether due from the county on preliminary examinations or otherwise, shall be collected by the clerk as costs, and by him accounted for to the city treasurer of said city as hereinbefore provided.

*Also provided*, that said judge and special judge may practice in the district courts and the supreme court of the state, in any case which has not arisen in said municipal court.

SEC. 5. This act shall take effect and be in force from and after its passage and approval.

Approved March 20th, 1889.

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## CHAPTER 84.

[H. F. No. 924.]

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE VILLAGE OF HUTCHINSON," BEING CHAPTER TWENTY-TWO (22) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-ONE (1881).

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

SECTION 1. That section one (1) of chapter twenty-two (22) of the special laws of one thousand eight hundred and eighty-one (1881) be amended to read as follows:

"That all that part of the town of Hutchinson known and described as section thirty-one (31) in township one hundred and seventeen (117), of range twenty-nine (29), and section six (6), of township one hundred and sixteen (116), of range twenty-nine (29), and that part of the township of Lynn known and described as the east half ( $\frac{1}{2}$ ) of the southeast quarter ( $\frac{1}{4}$ ) and the northeast quarter ( $\frac{1}{4}$ ), all of section one (1) in township one hundred and sixteen (116), of range thirty (30), all in McLeod county and state of Minnesota, shall be known as "The village of Hutchinson," and the people now inhabiting and those who shall hereafter inhabit within said district shall be a municipal corporation by the name of "The village of Hutchinson," and shall have the power generally possessed by municipal corpora-