

erning body thereof; Provided, that such contract or contracts shall not be made to run for a period exceeding fifteen (15) years.

Sec. 2. Obligation not to be considered as a part of its indebtedness.—The obligation incurred by any such city in the making of such contracts shall not be considered as a part of its indebtedness under the provisions of its governing charter or of any law of this state fixing a limit of indebtedness for such city.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 22, 1913.

CHAPTER 104—S. F. No. 321.

An Act to amend Sections 125, 127, 131, 132, 133, 136, 138, 140, 141, 142, 143, 145 and 146, Chapter Five (5), Revised Laws of Minnesota for the year 1905, relating to municipal courts, and providing for a change of venue in any municipal court, whether created or established by any general or special law.

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

Section 1. That Sections 125, 127, 131, 132, 133, 136, 138, 140, 141, 142, 143, 145, and 146, Chapter Five (5), Revised Laws of Minnesota for the year 1905, be, and the same are hereby amended so as to read as follows:

"Section 125. New courts, how established.—A court of record to be known as "the municipal court of—" is hereby established in and for every city, and in and for every incorporated village, which has or shall have *One Thousand (1,000)* inhabitants or more, in which city or village no municipal court existed at the time of the taking effect of the Revised Laws of 1905, but no court thus established shall be organized until the city or village council so determines by a resolution adopted by a four-fifths majority of its members, and approved by its mayor or president, providing a suitable place for holding its sessions, prescribing the number of judges and other officials thereof, and fixing their compensation; and in case that two judges shall be prescribed for said court, one thereof may be called the municipal judge and the other the special municipal judge."

"Section 127. Judges — Election — Term — Salary.—The judges of such courts shall be elected at the regular city or village elections, for the term of four years, beginning on the first Monday of the month next following their election, and until their successors qualify. When a new court is organized more

than ninety (90) days prior to a regular election, the governor shall appoint a judge or judges thereof to serve until *they are elected and qualified*, and vacancies shall be filled by like appointment for the unexpired term. *Provided, that in the absence or disability of the municipal judge and special municipal judge of such court, if there be one, the mayor or president of the council may designate a practicing attorney to sit in place of such municipal judge from day to day.* All municipal judges and special municipal judges shall be men learned in the law and residents of the city or village. The salary of each shall be paid monthly by the city or village, and shall be fixed by resolution adopted by a four-fifths majority of the council of such city or village, and approved by the mayor or president before the term begins, and shall not be diminished during such term. *Provided, however, that where there shall be a municipal judge and a special municipal judge, the special municipal judge shall act only in the absence or disability of the municipal judge, and receive as compensation therefor an amount per diem to be fixed by the council of such village or city and paid out of the salary of the municipal judge; and provided further, that any such special municipal judge shall not be prohibited from practicing in the said municipal court or in any other court, 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."*

"Section 131. **Justices of the peace.**—No justice of the peace shall have jurisdiction of offenses committed in any city or village wherein a municipal court is organized and existing, but all such offenses otherwise cognizable by a justice shall be examined and tried by such *municipal court*, and, all cases arising under the charter, ordinances, or by-laws of such city or village shall be tried by said court without a jury. Said court shall have jurisdiction concurrently with the justices of all offenses committed elsewhere within the county."

"Section 132. **Two judges—Daily sittings—Terms.**—*Excepting in cases where the resolution establishing such court provides for a municipal judge and a special municipal judge, each may exercise all the powers thereof.* Each judge shall see that the laws of the state and the ordinances and by-laws of the city or village are obeyed. The court shall be opened every morning, except on Sundays and holidays, for the hearing and disposition, summarily, of all complaints made of offenses committed within the county, *of which the court has jurisdiction.* A general term for the trial of civil actions shall be held on and following the first Tuesday of each month, and at such other times as the court may from time to time prescribe by rule."

"Section 133. Clerks and deputies—Process.—The clerk of each municipal court, and his deputies, shall be appointed by the judge thereof, who may remove any of them at pleasure. If there be two judges, the senior in office shall exercise such power. Every clerk and deputy shall give bond to the state, in at least the sum of one thousand dollars (\$1,000.00), 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. All process shall be tested in the name of the judge, or the senior in office if there are two, be signed by the clerk, issue under the seal of the court, and be directed for service to any police officer, court officer, marshal, or constable of the city or village, to the sheriff of the county, or all of them. *No judge or other officer of such municipal court, excepting the special municipal judge, if any, shall prepare or draw any pleadings or other papers in any civil actions in said municipal court, nor shall they institute, for another, any civil action in such court.*"

"Section 136. Court officers.—*In cities and in villages of less than five thousand (5,000) population, the constable, marshal or chief of police shall act as officer of the municipal court, serve all papers thereof placed in his hands, and receive the same fees as are allowed to constables by law. In cities and villages of five thousand (5,000) population or more, the mayor or president shall appoint one or more (not exceeding three) court officers, who shall also have the power and authority of policemen, receive the same pay as other policemen, and shall give bond to the city or village, for the use of all persons interested, to be approved by the council of such city or village and conditioned for the faithful performance of their duties as such. Their fees shall be collected by the clerk and paid into the treasury of the city or village, except where no salary is allowed them. Court officers shall attend the sessions of the court and perform all duties in connection therewith, when ordered by the court.*"

"Section 138. Powers and duties—Practice—Rules—Fees.—Except as otherwise provided by this chapter, the municipal court and the judges and clerks thereof, shall have in matters within its jurisdiction, all the powers and duties of judges and clerks of the district court in like cases, and the procedure and practice therein shall be the same. In garnishment, however, the minimum of indebtedness and recovery shall be the same as in the justices' courts. The court may make and alter rules for the conduct of its business, and prescribe therein forms of process and procedure, conformably to the law. The fees of the clerk of each municipal court and of officers serving process and

papers therein, shall be the same as are allowed by law to the like officers of the district court of the same county. If such officers are paid a salary in lieu of fees, they shall nevertheless collect such fees and pay the same into the city or village treasury, and shall be responsible for such collection. *Where, in any county of this state there are two or more municipal courts having jurisdictions throughout said county, whether they be created or established under Chapter Five (5), Revised Laws of Minnesota for 1905, or by any other general or special law, the defendant in any civil action begun in any one of said courts may have a change of venue therefrom to the municipal court in said county nearest his place of residence, by filing with the clerk of the municipal court, in which such action may be begun, an affidavit, by himself, his agent or attorney, stating definitely his place of residence, and the location of the nearest municipal court thereto in said county, accompanied by a demand for such change of venue, not less than three (3) days before the opening day of the term of such municipal court at which such action may be noticed for trial."*

"Section 140. Notices, etc.—Unlawful detainer.—Costs shall be taxed upon notice of not less than two (2) days. Notes of issue shall be filed at least three (3) days before the term. Notice of taking a deposition shall be the same as in the district court. Otherwise the time within which pleadings may be served and other acts performed shall be half that prescribed in the district court, but no such half time shall be less than three (3) days. In forcible entry and unlawful detainer, the summons shall be issued by the clerk and *may be made returnable on any day not less than three (3) days after the issuance of such summons; and in other respects such suits shall be governed by similar regulations relating to justices of the peace."*

"Section 141. Jury trials.—Except as in this chapter otherwise provided, all general laws relating to trial by jury in the district court shall apply to this court. *In such cities and villages, the mayor and city clerk in cities, and the president and village clerk in villages, or in the absence or disability of either, the officer authorized to perform his duties, shall meet with the judge or clerk of the municipal court at the city or village clerk's office on the second Monday in February, May, August and November of each year, and there shall select one hundred (100) voters of the city or village as jurors of said court when required and drawn as such during the ensuing three (3) months, and until their successors are chosen. Their names shall be listed, and the list certified by the officials selecting them, and the clerk shall place such names, written on separate slips, in a box or wheel. No person shall be required to serve as such juror during more than one quarter in any one year."*

"Section 142. Drawing jury—Jury—Special venire.—*In all cases* if either party desires a jury, he shall so state when the case is set for trial. A jury of six may be drawn if both parties consent thereto in open court. The party demanding the jury shall pay to the clerk at the time fifty cents (50c) for each juror required, otherwise the case shall be tried by the court. The clerk shall draw from the box twice as many names as there are jurors required for the trial, and the persons so selected shall be summoned to appear at the appointed time. Each juror sworn as such shall be paid one dollar (\$1.00) out of the city treasury upon a certificate issued to him by the clerk at the time of his discharge. Whenever necessary, a special venire may be issued."

"Section 143. Fees in criminal cases.—In all municipal courts, jurors in criminal cases and witnesses for the prosecution shall be paid by the city or village upon certificates issued by the clerk. Witnesses for the defense in such cases may be paid in like manner when the court shall so direct. The fees of witnesses shall be the same, in both civil and criminal cases, as are allowed by law in the district court; but in criminal cases fees shall not be required in advance, nor shall policemen or other officials or employees of the county, city or village be paid witness fees. Misdemeanors and violations of ordinances or by-laws shall be prosecuted by the city or village attorney, and all other offenses by the county attorney. *In civil cases there shall be paid to the clerk of the court a fee of two dollars (\$2.00) by the party entering the suit, which fee shall be accounted for and paid over to the city or village, and shall be in lieu of all fees of the clerk of said court.*"

"Section 145. Lien of judgments—Transcripts—Execution—Etc.—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."

"Section 146. 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 justices' courts, and all laws relating to such last named appeals shall be adapted and applied to appeals from the municipi-

pal courts. *Provided, however, that 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. 2. This act shall take effect and be in force from and after its passage.

Approved March 25, 1913.

CHAPTER 105—S. F. No. 486.

An Act to improve the public service, to create a civil service commission and define its powers and duties, in each city of the first class not organized under Section 36, Article 4, of the State Constitution.

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

Section 1. **Civil service commission of three members to be appointed by mayor—Qualifications.**—In every city of the first class not organized under Section 36, Article 4, of the State Constitution, there shall be a civil service commission (hereinafter called the commission) of three commissioners, who shall be citizens of the state and residents of the city and serve without compensation. No commissioner shall at the time of his appointment or while serving hold any other office or employment under the city, the United States, the State of Minnesota, or any public corporation or political division thereof, other than the office of notary public. The mayor shall appoint as commissioners persons known to favor the principle of merit and efficiency in the public service. The terms of those first appointed, to be designated in orders of appointment, shall expire, one on the first day of February in the odd numbered year next following the year of the appointment, one on the first day of February next following the first, and one on the first day of February next following the second, and thereafter the mayor shall appoint for three years to fill expired terms, and in case of vacancy occurring otherwise, shall appoint for the unexpired term. In case of cities existing at the time of the passage of this act, the first appointment shall be made on or before the first day of July, 1913.

Each commissioner, before entering upon his duties, shall subscribe and file with the city clerk an oath for the faithful discharge of his duties.

Sec. 2. **Civil service fund to be provided by council.**—The city council shall set apart on the first Monday in January of each year, in the city treasury, a sum not less than twenty-five (25) dollars for each thousand of the population of the city,