

## CHAPTER 374—S. F. No. 901.

*An act to establish an auxiliary court for certain counties and providing for the removal of cases and the transfer of auxiliary judges.*

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

**Section 1. Auxiliary court established—Jurisdiction.**—There is hereby created in and for the counties of Aitkin, Carlton, Pine and St. Louis, a court which shall be known and designated as the Auxiliary Court. Such Court shall have original jurisdiction in all civil actions within said counties co-extensive and concurrent with the jurisdiction and powers conferred upon District Courts by the Constitution and Laws of this State, except that said Court shall not have power to issue writs of injunction, ne exeat, certiorari, habeas corpus, mandamus, or quo warranto nor to try divorce actions nor cases under the Workmen's Compensation Act. But said court shall have power to issue all writs, processes and orders necessary to the complete exercise of the jurisdiction vested in it by law.

**Sec. 2. Terms of judges—Election—Appointment.**—The judges of said court shall be five in number, who shall be elected for a term of two years. Within thirty days after the effective date of this act, the governor shall appoint one judge of said court who shall serve until the next general election and until his successor shall have duly qualified. Whenever at any time a majority of the judges of the District Courts of said counties shall certify to the Governor that the appointment of additional judges to the Auxiliary Court is necessary for the proper and expeditious handling of judicial business in said counties, giving the number of such judges deemed necessary, or whenever the Governor shall deem additional judges necessary, he may thereupon appoint such judges who shall serve until the next general election and until their successors shall have duly qualified. Such appointments may be made from time to time as the need therefor shall so be made to appear.

**Sec. 3. Qualifications.**—The judges of the Auxiliary Court shall have the same qualifications and shall be subject to the same restrictions and shall take the same oath of office as judges of the District Court; and at the time of their election or appointment, shall be residents of one of said counties and shall reside within said counties during their continuance in office.

**Sec. 4. Judges to hold court or assist when.**—Whenever in the judgment of the governor or of the judge of the District Court of any of said counties, or of the majority of them if there be more than one, the convenience or interest of the public or the interest of any litigant shall require that a judge of the Auxiliary Court shall discharge any of the duties of a judge of the District Court in any of said counties, the governor may designate, or such District Judge or District Judges may request one or more judges of the

Auxiliary Court, provided he or they shall have the same qualifications as District Judges, to discharge any such duties, to hold or to assist in holding a General or Special term of such court in any of said counties, or to try and determine any cause, motion, action, or proceedings pending therein. Provided that the governor may direct any of such judges of said Auxiliary Court having such qualifications to discharge the duties of a judge of the District Court, in any county in the State. And thereupon such judge of the Auxiliary Court so designated or requested, provided he shall have the same qualifications as are prescribed by law and the constitution of this State for judges of the District Court, shall be clothed with all the powers of a judge of the District Court and shall discharge any such duties, hold or assist in holding a General or Special term of the District Court to which he shall have been called, or try and determine any cause, motion, action or proceeding pending therein. And by consent of the parties, any such judge of the Auxiliary Court may act in all matters brought before him from any District Court within the State. In any such case the acts, findings, verdicts, orders, and judgments of such Judge of the Auxiliary Court, so acting, and of the District Court in which he shall so act shall have the same force and effect as though given by a Judge of the District Court of said County, and shall be signed by him as acting District Judge.

**Sec. 5. Cases may be transferred to Auxiliary Court.**—The judge or judges of the District Court of the counties in which said Auxiliary Court is created by operation of this act may upon motion of the plaintiff in any cause now pending in said District Court, or which may hereafter be filed in such District Court, and which under the provisions hereof may be triable in said Auxiliary Court, transfer such cause or causes by order to the Auxiliary Court, and such cause or causes shall thereupon stand for trial in said Auxiliary Court as if they had been originally commenced and filed therein, and in such case, the Clerk of the Court shall make appropriate record of such transfer.

**Sec. 6. Venue.**—The venue of all actions instituted in said Auxiliary Court shall be determined according to the same principles, rules and statutes as govern the venue of actions instituted in the District Courts save as hereinafter expressly provided. Changes of venue shall be granted upon the same ground and under the same procedure as in the District Courts, either from the Auxiliary Court for one county to the Auxiliary Court of another county or in the event that there is no Auxiliary Court in the county to which venue is changed then from the Auxiliary Court of one county to the District Court of another county. Provided that in any action instituted in said Auxiliary Court in any of said counties, if any defendant or his agent or attorney shall on or before the opening day of the term at which such cause is called for trial file with the Clerk of Court of

said county a verified petition stating in substance that the cause of action arose out of a general calamity in which many of the residents of the county were damaged and that as a result a fair and impartial trial cannot be had in said county, the venue and place of trial of such action shall forthwith be changed to such county having a population of over 150,000 which the opposing party may designate; except that no case commenced in a county having 150,000, or more, inhabitants shall be transferred to another county for reasons herein specified.

**Sec. 7. Officers of court.**—The court officers of the District Court in the counties within the jurisdiction of this court shall be the officers of the Auxiliary Court. The Clerk of the District Court in and for each of said counties is hereby charged with the duty of making and keeping separate files and records of all business transacted by the Auxiliary Court for such Auxiliary Court in his county similar and corresponding to the files and records required by law to be kept in his office with respect to the business and office of the Clerk of the District Court in such county. The sheriffs and the clerks of the District Court of said counties are hereby authorized and required to appoint such additional deputies as the judges of said court shall direct; such deputies to be paid the same salaries as are paid to deputies doing the same grade of work in the District Court. The rules and statutes governing practice, procedure, organization, summoning and drawing of juries, expense, trial of actions, change of venue, interest, prejudice, or bias of any judge, orders, the entry and enforcement of judgments, official seal of the court, the appointment and salaries of official court reporters and court officers, or in any way affecting or controlling any of the same in the District Court, shall, unless otherwise provided in this act, govern and apply in the Auxiliary Court. Provided, that any action in which any county is a defendant shall be tried at the county seat of such county. Upon the entry in any county of any judgment of said Auxiliary Court for the recovery of money, the same shall forthwith be docketed, not in a separate docket for actions in said court, but in a docket of the Clerk of the District Court for such county in the same manner and with like effect as if said judgment had been entered in such District Court, and upon the entry of any judgment, the same shall have the same force and effect as if entered in the District Court. An appeal may be taken from any order or judgment of the Auxiliary Court to the Supreme Court of the State of Minnesota in all respects as provided with respect to appeals from orders or judgments of the District Court.

**Sec. 8. Terms of court.**—The terms of the Auxiliary Court shall be held in each of said counties at such time as the judges of said court, giving due consideration to the business to be transacted by said court, shall determine, provided that thirty days notice of trial, designating the opening day of the term, shall be given, be-

fore any case shall be tried. Terms of the Auxiliary Court shall be held in the county courthouse at the county seat of each of said counties, provided that the judges of said court may adjourn the trial of any action without a jury, to any place within any of said counties which shall best serve the ends of justice and the convenient despatch of the court's business, and that terms of said court may be held simultaneously in the several counties and that sessions of said court for the trial of actions to the court may be held simultaneously at different places within the same county.

**Sec. 9. Salary of Judges.**—The judges of the Auxiliary Court shall receive an annual salary of Six Thousand Dollars (\$6,000) payable monthly. The salaries of judges, court reporters, deputies, and all other expenses of said Auxiliary Court, shall be paid by said counties in proportion to the time expended by said judges of the Auxiliary Court, whether sitting as such or as acting District Court judges, in disposing of or in connection with matters or causes of action arising in said counties respectively, and for the purpose of this section the cause of action shall be deemed to have arisen at the place where the damage occurred. Each of said Auxiliary Judges shall on the first day of each month certify to the county auditor of each of said counties that proportion of the said salaries and expense so to be paid by said county and thereupon the same shall be paid by said county, by auditor's warrant drawn on the county revenue fund.

That said monthly payments so made by each of said counties shall be a preliminary payment and that on the first Monday of each year, or as soon thereafter as may be, the judges of said Auxiliary Court shall finally determine and apportion the expenses of said Auxiliary Court for the preceding calendar year upon the basis aforesaid; that a hearing shall be had in the premises of which at least fifteen (15) days written notice shall be given to the county auditor of each of said counties, and thereupon said Auxiliary Judges, or a majority thereof, shall determine said apportionment and make an appropriate order with reference thereto; that thereupon any of said counties may appeal to the District Court of said county in the manner now provided for appeals from the allowance of claims by the Board of County Commissioners of any county, and said appeal shall then be summarily heard and determined in the District Court to which the same has been so taken.

**Sec. 10. Effective Oct. 1, 1921.**—This act shall take effect and be in force from and after October 1, 1921, unless before that date the United States of America shall have created a tribunal instructed, and with full power and authority to determine the extent of the liability of the United States of America, and the United States Railway Administration for the conflagration of October 12th, 1918, and to assess and determine the damages suffered therefrom by any party damaged. If the United States of America shall provide such tri-

bunal before October 1st, 1921, this act shall not take effect. If the United States of America shall create such tribunal at any time after October 1, 1921, this Act shall have no force or effect from and after six months from the taking effect of such Act of Congress.

Approved April 19, 1921.

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CHAPTER 375—S. F. No. 973.

*An act to amend Chapter 282, General Laws of Minnesota for 1905, relating to the office of county surveyor in counties having a population of at least 150,000 and not over 225,000 inhabitants.*

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

Section 1. **Title amended.**—That the title of Chapter 282, General Laws of Minnesota for 1905, be amended so as to read as follows:

"An act to amend Chapter 53 of the General Laws of 1903, entitled "An act entitled an act relating to the duties of the County Surveyor and the number and compensation of his deputies and assistants in counties having a population of at least one hundred and fifty thousand (150,000), and not over two hundred *twenty-five* thousand (225,000) inhabitants."

Sec. 2. **Salary of county surveyor in certain counties.**—That Section one (1) of Chapter 282, General Laws of Minnesota for 1905, be amended so as to read as follows:

"Section 1. That in every county in the state which now has or that may hereafter have, according to the last completed state or national census, at least one hundred fifty thousand (150,000) and not over two hundred *twenty-five* thousand (225,000) inhabitants the county surveyor shall receive from such county a salary of two thousand five hundred (\$2,500) dollars per annum in full payment for all services performed, and in addition thereto the county surveyor shall be allowed and paid from the county treasury his actual traveling expenses, not to exceed *one thousand* dollars (\$1,000) in any one year for himself and deputies necessarily incurred in the performance of his services, payable in equal monthly installments out of the county treasury."

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

Approved April 19, 1921.

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CHAPTER 376—S. F. No. 976.

*An act to amend Section 1092, General Statutes of Minnesota 1913, relating to the power of certain counties to contract for goods, materials or supplies.*