

1940, Section 5984, provided that dry cleaning systems in which such solvents are used shall be dry cleaning systems which conform to the Regulations of the National Board of Fire Underwriters for Safeguarding Dry Cleaning and Dry Dyeing Plants published in its pamphlet No. 32 dated August 15, 1936 for the class designated therein as Class II and shall be completely equipped plants employing closed containers and circulating piping for washing, extracting and purification of solvent and shall consist of washer or washers, extractor or extractors, drying tumbler or tumblers, cabinet or cabinets, filter or filters, still, pumps, solvent tanks and piping.

6013-2. **Same.**—The provisions of this act shall not be held to apply to any building, business or establishment now in use, so as to cause the same to be rebuilt, remodeled or repaired so as to conform to the provisions hereof, but should any building or establishment, or part thereof, be reconstructed, rebuilt or repaired, the same shall be so constructed, built or repaired in conformity to the provisions hereof. Nothing in this act shall be held to in any manner limit the laws which provide against fire hazards in this state. Nothing in this section shall permit any person to operate a business or establishment mentioned in this act without first securing a license as provided herein, for so doing, but the provisions of this section shall be given full consideration by the state fire marshal in issuing licenses to persons now engaged in said business.”

Approved April 18, 1941.

---

#### CHAPTER 300—H. F. No. 40

*An act relating to the municipal court of the City of Duluth, amending Laws 1923, Chapter 238, Sections 5, 6, 7, 10, 14, 17, 40, 43, 44 and 52; Laws 1925, Chapter 85, Sections 5, 6 and 7; Laws 1929, Chapter 45, Section 1, and Laws 1931, Chapter 57, Sections 2 and 4.*

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

Section 1. **Law amended.**—Laws of 1923, Chapter 238, Section 5, is hereby amended to read as follows:

“Sec. 5. **Powers and duties.**—Said court shall have full power and authority to issue all process, civil and criminal,

necessary or proper to carry into effect the jurisdiction given it by law, and its judgment and other determinations, save as hereinafter provided. And it shall have and possess all the powers usually possessed by courts of record at common law, subject to the modifications of the statutes of this state, applicable to courts of record. And said court is hereby vested with all powers over cases within its jurisdiction which are possessed by district courts of this state over cases within their jurisdiction; and all laws of a general nature shall apply to said municipal court, so far as the same are applicable and not inconsistent with the provisions of this act; provided that said municipal court shall not have power to issue a writ of habeas corpus, quo warranto, ne exeat, mandamus, prohibition, or injunction, *and provided further, that if, on the return of process, or at any time not later than one day before the commencement of the trial or hearing of any action or proceeding, civil or criminal, pending in said court, any party may make and file with the judge then presiding an affidavit stating that on account of bias or prejudice or other cause he has good cause to believe that the judge then presiding will not decide impartially in the matter, the said municipal judge shall forthwith, without any further act or proof, secure another judge of the said court to preside at the trial of such civil or criminal cause, or hearing of motion, demurrer, or order to show cause.*"

Sec. 2. **Law amended.**—Laws of 1923, Chapter 238, Section 6, is hereby amended to read as follows:

"Sec. 6. **Judges and assistants.**—There shall be two judges and an assistant judge of said municipal court, the term of office of each of which shall be four years. On the first Tuesday in April, 1941, two judges and an assistant judge of said court shall be elected for a term of four years each, and every four years thereafter for a like term. Each of the said judges and the assistant judge of said court shall assume the duties of the office for which he is elected on the second Monday next succeeding his election at 12 o'clock noon. *As used in this act, unless a different meaning is plainly required by the context, the term 'judges' shall be deemed to include the conciliation judge for the municipal court as provided by Laws 1927, Chapter 17, provided, however, that nothing in this act shall apply to the salary of said conciliation judge.*"

Sec. 3. **Law amended.**—Laws of 1923, Chapter 238, Section 7, is hereby amended to read as follows:

"Sec. 7. **West Duluth Division.**—The West Duluth division of the said municipal court shall remain as now established, and the assistant judge of the said municipal court

for said division shall have all the powers of the other judges of said court, but shall not be required to hold court in the city proper, unless directed to do so because of the inability of the other judges to do the business of said court, or because of the sickness or inability to serve of one of the other judges. In case *either said assistant judge or the conciliation judge for the municipal court* does hold court at the municipal court rooms in the city proper, *as fixed by law, he shall receive additional compensation at the rate of \$10.00 per day for each day necessarily spent, but when he spends less than one-half of a day, he shall be allowed only \$5.00 therefor, notwithstanding the provisions of any existing act in conflict herewith.*

The council shall provide a suitable place for holding court in that portion of the city of Duluth known as West Duluth and a place where the business of the clerk, having in charge that division of the court's business, may keep his office and attend to the business of said court. The clerk of the municipal court shall assign to some deputy of his office the work of attending to the business of the West Duluth division.

The assistant judge of the said municipal court shall hold sessions for the care of criminal business as often as necessary. In case of sickness or inability of the said assistant judge of the said municipal court to hear any case, the same may be heard by either of the other judges of said court.

A record of cases tried and to be tried in said West Duluth division of said court shall be kept by the said clerk the same as the record of cases is kept in said municipal court proper, and all papers, records and documents pertaining to cases tried in said West Duluth division of said court shall be kept on file in the West Duluth office unless ordered otherwise by the judges of said court, and there shall be added on the face and back thereof wherever the name of the court occurs, the additional words: 'West Duluth Division'.

*Notwithstanding the provisions of any existing act to the contrary, neither the assistant judge nor the conciliation judge for the municipal court shall practice in the municipal court or act as attorney in any case to be tried in said court."*

Sec. 4. **Law amended.**—Laws of 1923, Chapter 238, Section 10, is hereby amended to read as follows:

"Sec. 10. **Clerk of Municipal—appointment.**—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.

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 the said clerk for the month next preceding, and make report to the city council of his findings immediately thereafter."

Sec. 5. **Law amended.**—Laws of 1923, Chapter 238, Section 14, is hereby amended to read as follows:

"Sec. 14. **Reports—appointment.**—The judges of said court or a majority of them may employ and appoint *one* reporter to make in shorthand writing a true record or report of the proceedings and evidence taken upon the trials of issues of fact in said court and of all examinations held therein, and, when required by the court or either of the parties to such trial or examination, to transcribe such record and report into longhand. And when, by reason of pressure of business the services of one or more reporters are required in addition to the reporter regularly appointed as hereinbefore provided, the clerk of said court, shall by direction of the court, procure some competent person or persons to serve as such additional reporter or reporters, and such additional reporter or reporters shall each receive as compensation therefor the sum of \$5.00 for each *half* day or fraction thereof so serving."

Sec. 6. **Law amended.**—Laws of 1923, Chapter 238, Section 17, as amended by Laws of 1931, Chapter 57, Section 2, is hereby amended to read as follows:

"Sec. 17. **Terms of court.**—Said court shall hold regular terms for the transaction of civil business and the trial of

civil actions to the court without a jury on the first Monday of every month, except the months of July and August, and at said regular terms in the months of February, April, June, September and December, civil actions may also be tried to a jury, which terms shall continue from day to day, with such adjournments as the court may deem proper, until the business of such term shall be finished. Provided, that any judge of said court may set cases for hearing and trial upon any day in that or any subsequent term, and provided further that if the first Monday of any month in which a term of court is to be held is a legal holiday, then the term shall commence on the next succeeding day.

The terms of said court shall open at 9:30 o'clock in the forenoon. All proceedings in civil causes shall be conducted in a room separate and apart from the room wherein criminal proceedings are being conducted."

Sec. 7. Law amended.—Laws of 1923, Chapter 238, Section 40, is hereby amended to read as follows:

"Sec. 40. Jury cases to take precedence.—The trial of jury cases shall take precedence of court cases, and in the calling of the calendar on the first day of each general term, at which cases may be tried to a jury, all cases to be tried by jury shall be set for trial commencing with the fourth day of the term, and there shall be one or more jury cases set for said fourth and each succeeding day of said term, until all such jury cases are set for trial; and the trial of jury cases shall commence on the fourth day of each such general term and be continued and proceeded with from day to day until all such jury cases so set for trial have been tried or otherwise disposed of."

Sec. 8. Law amended.—Laws 1923, Chapter 238, Section 43, as amended by Laws 1925, Chapter 85, Section 5 and Laws 1931, Chapter 57, Section 4, is hereby amended to read as follows:

"Sec. 43. Judge to determine number of jurors drawn.—The judge having charge of the calendar for each general term of said court at which cases may be tried to a jury, shall determine the number of jurors, not in excess of 18, to be drawn for such term, and the number so determined shall be drawn and shall be summoned to appear at said court at 9:30 o'clock in the forenoon of the fourth day of the term for which they are drawn to attend and serve as jurors for the trial of actions in said court, and shall so remain in attendance unless excused by the court until the jury cases for such

term are concluded and they are finally discharged for the term by order of the court. Provided, however, that whenever a jury shall be demanded by a defendant entitled to the same in any criminal action or by any of the parties in any forcible entry or unlawful detainer action, the court shall direct the clerk of said court to summon a sufficient number of jurors for attendance upon the court for the trial of any such action upon the day set for the same."

Sec. 9. Law amended.—Laws 1923, Chapter 238, Section 44, as amended by Laws 1925, Chapter 85, Section 6, is hereby amended to read as follows:

"Sec. 44. Drawing of juries.—The mayor, or acting mayor of the city of Duluth and city clerk and one of the judges of said municipal court shall, on the first Monday in June of each year, excepting legal holidays, meet at the office of the city clerk, and from the legal voters of said city select and designate 180 legal voters of said city, *equally divided as to sex*, as jurors for said municipal court to serve therein when required and drawn during the succeeding months, and until their successors are selected and certified, and thereupon certify said names so selected to the clerk of said municipal court, who shall thereupon prepare separate ballots containing the names of the persons so certified and place the same in a wheel or box *and on the opening day of each general term for the trial of jury cases the clerk of said court shall, by lot, draw therefrom the number of ballots designated by the judge having charge of the calendar, and the persons named upon the ballots as drawn shall be forthwith summoned to attend said court on the fourth day of the term next ensuing and until excused or discharged by the court.*

Whenever at any term of said court, there is a deficiency of jurors, whether from an omission to draw or to summon such jurors, or because of a challenge to the panel, or from any other cause, any of the judges of said court may direct the clerk of said court to draw from said jury list a specified number of names of persons to be summoned forthwith to serve as jurors for the term or for any specified number of days. Whenever in the opinion of any of the judges, it is deemed necessary, the court shall have the power to order a special venire to issue to the proper officer, commanding him to summon from the city at large the number therein named as competent persons to serve as jurors in said court, provided, however, that before such special venire shall issue the jury list heretofore provided shall have been exhausted.

From the jurors so drawn and summoned juries shall be selected and impaneled when required, in the same manner

as in the district courts of this state, except as in this act otherwise provided, but no juror shall be required to attend as such more than one term in each year, *nor shall any person drawn from said jury list for service as a juror in said municipal court be eligible for re-certification as a juror in said court until after three years have elapsed from the date such person was last certified.*"

**Sec. 10. Law amended.**—Laws of 1923, Chapter 238, Section 52, as amended by Laws of 1925, Chapter 85, Section 7, as amended by Laws of 1929, Chapter 45, Section 1, is hereby amended to read as follows:

**"Sec. 52. Salaries of judges and clerks.**—The salary of the judges of said municipal court shall be \$4,500 per annum, and the salary of the assistant municipal judge shall be \$2,100 per annum. The salary of the clerk of said municipal court shall be \$3,000 per annum. The salary of the first deputy clerk shall be \$2,160 per annum. The salary of the second deputy clerk and the chief counter clerk shall be \$2,100 each per annum and the salary of the other deputy clerks herein provided for shall be \$1,800 each per annum. In case additional deputy clerks shall be appointed with the consent and sanction of the council of the city of Duluth, as provided in Section 11 of this act, the said city council shall fix the compensation of the deputy or deputies so appointed. The salary of the official court reporter appointed under Section 14 of this act shall be \$3,000 per annum. The salary of each officer shall be payable from the city treasury of Duluth in monthly installments, and neither of said officers shall receive any fee or compensation except as herein provided."

**Sec. 11. Effective date of law.**—Section 2 of this act shall be effective from and after April 1, 1941 and the other sections of this act shall each take effect and be in force from and after April 14, 1941 at 12:00 o'clock noon.

Approved April 17, 1941.

---

#### CHAPTER 301—H. F. No. 57

*An act relating to game and fish licenses, amending Mason's Supplement 1940, Section 5536-3.*

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

**Section 1. Law amended.**—Mason's Supplement 1940, Section 5536-3, is hereby amended to read as follows: