

untechnical terms and form, what parts of the claims are contested, and the grounds for such contest. Demurrers and dilatory pleas are prohibited.

(f) The defendant, within the time for answering, may in the manner provided in this section, claim any set-off or counterclaim. The defendant's claim may be answered by the plaintiff orally at the time set for hearing on plaintiff's claim, or the court may, upon application of the plaintiff, continue the hearing on the original claim and counterclaim to a later date. The penalties upon a defendant provided herein shall likewise apply to any plaintiff with respect to a claim by a defendant. The original claim, and the claim of set-off or counterclaim, shall be deemed one case and no additional entry fee shall be required.

(g) The court may at any time allow any claim or answer to be amended.

Approved April 26, 1963.

CHAPTER 364—H. F. No. 822

An act relating to the municipal court of the city of Duluth; amending Minnesota Statutes 1961, Section 488A.59, Subdivisions 3 and 4.

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

Section 1. Minnesota Statutes 1961, Section 488A.59, Subdivision 3, is amended to read:

Subd. 3. **Duluth municipal court; 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~~ *of the day designated by the judge* 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

Changes or additions indicated by italics, deletions by strikethrough.

jurors for attendance upon the court for the trial of any such action upon the day set for the same.

Sec. 2. Minnesota Statutes 1961, Section 488A.59, Subdivision 4, is amended to read:

Subd. 4. **Selection of jurors; 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 and the city clerk or one of his deputies 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~~ a sufficient number of 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, ~~drawn~~ 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 on the day designated by the judge~~ 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

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

in said court until after three years have elapsed from the date such person was last certified.

Approved April 26, 1963.

CHAPTER 365—H. F. No. 823

An act relating to the municipal court of the city of Duluth; amending Minnesota Statutes 1961, Section 488A.55.

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

Section 1. Minnesota Statutes 1961, Section 488A.55, is amended to read:

488A.55 Duluth municipal court; clerk's fees, civil cases.
A party in any civil action, upon filing any pleading or paper in opening said action, shall pay to the clerk of said court, the sum of ~~\$2~~ \$3 for the use and benefit of the city of Duluth, which sum shall be in full for all costs and fees of said court and clerk, up to and including the entry of judgment, and no rebate shall be allowed to any person making such payment; provided that the fees and charges for certifying copies of any papers on file with the said clerk, shall be at the rate of five cents for each folio, and 25 cents for the certificate, excepting in cases where such copies are furnished for certification by the person requiring the same, in which event the said clerk shall charge and receive two and one-half cents per folio for comparing and certifying the same and 25 cents for the certificate; provided further that no police officer of said city shall be required to serve any paper in any cause until the action shall have been opened and the required fee paid as hereinbefore provided; and provided further, that for each writ of execution and each transcript of judgment to the district court issued from and by said court, said clerk shall charge and receive the sum of ~~50 cents~~ \$1, and that police officers to whom writs and other process of the court are delivered shall charge and collect the same fees as are by law allowed to the sheriff of the county of St. Louis for like services, such fees to be paid by said police officers to the clerk of said court for the use and benefit of said city of Duluth.

Approved April 26, 1963.

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