

CHAPTER 488

MUNICIPAL COURTS

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488.01 EXISTING COURTS CONFIRMED. The several municipal courts organized, and in the actual exercise of their functions, at the time Revised Laws 1905 shall take effect, are hereby confirmed; and the jurisdiction thereof, the practice and procedure therein, the tenure and compensation of the judges and other officers thereof, and the taking of appeals therefrom, shall continue in all things to be governed by the laws relating thereto in force at the time of the enactment of the Revised Laws, notwithstanding the repeal thereby of any existing statute. All municipal courts thereafter established shall be organized and governed under and pursuant to the provisions of this chapter, and not otherwise.

[*R. L. s. 124*] (*212*)

488.02 OATHS AND BONDS. The oaths, and bonds when required, after their approval, of all judges and clerks of municipal courts, whether organized under special or general law, shall hereafter be filed with the secretary of state. They shall be in such form as the attorney general shall prescribe.

[*1909 c. 116 s. 1*] (*213*)

488.03 MUNICIPAL COURTS 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 1,000 inhabitants or more, or which has an assessed valuation of at least \$4,000,000 regardless of population, in which city or village no municipal court existed at the time of the taking effect of Revised Laws 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 two judges shall be prescribed for the court, one thereof may be called the municipal judge and the other the special municipal judge.

[*R. L. s. 125; 1913 c. 104 s. 1; 1915 c. 75; 1919 c. 268*] (*215*)

488.04 APPLICATION TO EXISTING COURTS. By a like resolution, adopted and approved as specified in section 488.03, the council of any village, or of any city of the second, third, or fourth class, may adopt the provisions of this chapter for the future government of the municipal court of such city or village. Thereupon, the court shall in all things be subject to the provisions of this chapter; but the tenure and compensation of the several officers thereof shall not be curtailed during the terms for which they were chosen, nor shall any action or proceeding then pending therein be discontinued, nor shall any judgment or decision thereof be affected, by such change.

[*R. L. s. 126*] (*216*)

488.05 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 90 days prior to a regular election, the governor shall appoint a judge or judges thereof to serve until they are elected and qualify, and vacancies shall be filled by like appointment for the unexpired term. 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, fixed by resolution adopted by a majority of the council of such city or village, approved by the mayor or president, and not diminished during his term. 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 and paid by the council of such city or village; provided, that any such special municipal judge shall not be prohibited from practicing in the 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. In all cities having a population of over 7,000 and an assessed valuation of more than \$10,000,000, the city council may pay the special municipal judge a salary of \$50 per month in lieu of compensation on a per diem basis.

[R. L. s. 127; 1913 c. 104 s. 1; 1927 c. 276 s. 1; 1929 c. 223; 1933 c. 269; 1937 c. 154 s. 1] (217)

488.06 JURISDICTION. Every municipal court shall be a court of record and its jurisdiction shall be coextensive with, and limited to, the county or counties in which the city or village lies. It may try and determine civil actions:

(1) Arising on contract, for the recovery of money only, when the amount claimed does not exceed \$500;

(2) For damages for injury to the person or to real property, or for taking, detaining, or injuring personal property, when the amount claimed, or, in replevin, the value of the property in controversy, does not exceed \$500;

(3) For a penalty given by statute, not exceeding \$500, or upon a bond conditioned for the payment of money, whatever the penalty thereof, when the amount claimed does not exceed \$500;

(4) On an official bond, or any bond taken in a municipal court, if the penalty does not exceed \$500;

(5) For forcible entry and unlawful detainer, whether involving the title to real estate or not.

It may also take and enter judgments by confession to an amount not exceeding \$500, and shall have all the powers and jurisdiction, civil and criminal, of courts of justices of the peace.

[R. L. s. 128] (218)

488.07 JURISDICTION LIMITED. Except as provided in section 488.06, subdivision 5, no municipal court shall have jurisdiction of civil actions involving the title to real estate, or of any action:

(1) For a divorce;

(2) To recover damages for false imprisonment, libel, slander, malicious prosecution, criminal conversation, seduction, or breach of promise to marry;

(3) Wherein equitable relief is demanded;

(4) Against an executor or administrator, as such; or

(5) Against the city, village, or county.

Nor shall such court have power to issue writs of habeas corpus, quo warranto, ne exeat, mandamus, prohibition, or injunction.

[R. L. s. 129] (219)

488.08 DEFENSES IN EXCESS OF JURISDICTION; PROCEDURE. When a counter-claim in excess of \$500 is asserted, or an equitable defense is interposed, or it shall appear that the title to real estate is involved in any action other than for a forcible entry or unlawful detainer, the fact shall be recorded, and the clerk shall

transmit to the clerk of the district court a certified transcript of the record, and all papers filed in the case. Thereafter the cause shall proceed to judgment in the district court as if it had been there begun, and the costs shall abide the event.

[R. L. s. 130] (220)

488.09 CRIMINAL JURISDICTION; 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 the court without a jury. The court shall have jurisdiction concurrently with the justices of all offenses committed elsewhere within the county.

[R. L. s. 131; 1913 c. 104 s. 1] (221)

488.10 TWO JUDGES; DAILY SITTINGS; TERMS. Except 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.

[R. L. s. 132; 1913 c. 104] (222)

488.11 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 \$1,000, 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, signed by the clerk, issued under the seal of the court, and directed for service to any police officer, court officer, marshal, or constable of any town, city, or village in the county, 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 the municipal court, nor shall they institute, for another, any civil action in such court.

[R. L. s. 133; 1913 c. 104; 1931 c. 23 s. 1] (223)

488.12 CLERK SHALL REPORT WEEKLY. On Monday, of each week, the clerk shall file with the treasurer of the city or village a verified report showing:

- (1) The names of all persons convicted in such court during the preceding week, and the nature of the offense;
- (2) The fine or other punishment imposed upon each;
- (3) The amount paid by each, and the amount of cash deposited in lieu of bail, since his last report;
- (4) The total amount of money received from all sources during the same period;
- (5) The names of all persons discharged from jail by order of the court.

[R. L. s. 135] (225)

488.13 CLERK TO DEPOSIT MONEY RECEIPTS WITH TREASURER. The clerk shall receive all fines, deposits, penalties, and other moneys paid into court, and keep detailed accounts thereof. Upon filing the weekly reports provided for in section 488.12, he shall pay to the treasurer all sums then in his hands, except such fees as he is entitled to retain as part of his compensation.

[R. L. s. 134] (224)

488.14 COURT OFFICERS. In cities and villages of less than 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 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 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.

[*R. L. s. 136; 1913 c. 104 s. 1*] (226)

488.15 REPORTER; DUTIES; FEES. In cities of the second class, and elsewhere when the appointment and compensation of a reporter are provided for by resolution of the council, the judge may employ a shorthand reporter of its proceedings, and may dismiss him at pleasure. When requested by a party the reporter shall make and furnish a transcript in longhand of the whole or any part of the testimony taken, or of any proceeding in court, upon being paid therefor such sum per folio as the court, by its rules, shall prescribe. When so directed by the judge, he shall furnish such copy for the judge's use, and act as a referee to take and report testimony, without compensation other than his salary.

[*R. L. s. 137*] (227)

488.16 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 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 collect such fees and pay the same into the city or village treasury and be responsible for such collection. Where, in any county of this state, there are two or more municipal courts having jurisdictions throughout that county, whether they be created or established under Revised Laws 1905, Chapter 5, or by any other general or special law, the defendant in any civil action begun in any one of these courts may have a change of venue therefrom to the municipal court in the 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 the county, accompanied by a demand for such change of venue, not less than three days before the opening day of the term of such municipal court at which such action may be noticed for trial.

[*R. L. s. 138; 1913 c. 104 s. 1*] (228)

488.17 COMPENSATION; MUNICIPAL COURT CLERKS. In all villages having a population in excess of 2,500 and an assessed valuation of \$3,000,000, or more, the clerk of the municipal court shall be paid such compensation as may be fixed by the council or governing body of such village. Such compensation shall not be diminished during the term for which such clerk is appointed.

[*1925 c. 132*] (228-1)

488.18 COSTS AND DISBURSEMENTS. Costs in civil actions shall be allowed as follows:

(1) To the plaintiff, upon a judgment in his favor of \$50 or more in an action for the recovery of money only, when no issue of law or fact is joined, \$5.00; when issue is joined, \$10; in all other actions, \$5.00.

(2) To the defendant, upon discontinuance or dismissal, \$5.00; upon a judgment in his favor upon the merits, \$5.00; and, if the amount of plaintiff's claim be \$50 or more, \$10.

(3) To the prevailing party on demurrer or motion, in the discretion of the court, \$10 or less, which may be made absolute or to abide the event.

In all cases the prevailing party shall be allowed his disbursements.

[*R. L. s. 139*] (229)

488.19 NOTICES; UNLAWFUL DETAINER. Costs shall be taxed upon notice of not less than two days. Notes of issue shall be filed at least three 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 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 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.

[R. L. s. 140; 1913 c. 104 s. 1] (230)

488.20 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 select 100 voters of the city or village as jurors of the court when required and drawn as such during the ensuing three 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.

[R. L. s. 141; 1913 c. 104] (231)

488.21 DRAWING JURY; FEES; 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 50 cents 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 \$1.00 out of the city treasury upon a certificate issued to him by the clerk at the time of his discharge. When necessary, a special venire may be issued.

[R. L. s. 142; 1913 c. 104] (232)

488.22 CRIMINAL CASES; PROSECUTION; FEES; CIVIL 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 \$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 the court.

[R. L. s. 143; 1913 c. 104] (233)

488.23 RETRIAL OF TITLE TO LANDS. The defeated party in an action wherein the title to land is involved, and which has been determined against him, may secure a second trial thereof in the district court by:

(1) Depositing with the clerk, within 24 hours after notice of the judgment, the amount of all costs and disbursements included therein;

(2) Serving notice upon the adverse party, within 48 hours, that he will apply to the court, on the first day of the next term occurring more than four days thereafter, for an order transferring the case to the district court for such trial, and fixing the amount of the bond hereinafter mentioned; the names of his proposed sureties shall be inserted in such notice;

(3) Giving bond to the adverse party, in such amount and with such sureties as the court shall fix and approve, conditioned for the payment to him or his assigns of all costs and disbursements which he shall recover upon such second trial, and of all rents, profits, and damages accruing or resulting to him during the pendency of the action, and to abide by any order the court may make therein.

Upon the filing of such bond, duly approved, within five days after the amount thereof is so fixed, the court shall cause the case to be forthwith certified and transmitted to the clerk of the district court, with all the papers on file therein.

Upon service of the notice herein provided for, all proceedings under the judgment shall be stayed until otherwise ordered.

[*R. L. s. 144*] (234)

488.24 LIEN OF JUDGMENTS; TRANSCRIPTS; EXECUTION. 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 affect, in all respects, as a judgment of the district court.

[*R. L. s. 145; 1913 c. 104*] (235)

488.25 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 municipal courts. 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.

[*R. L. s. 146; 1913 c. 104*] (236)

488.26 COURTS IN CITIES OF THIRD OR FOURTH CLASS. When the common council of any city of the third or fourth class, where any municipal court heretofore has been or hereafter shall be organized, shall fail to fix the salary of the municipal judge, as provided for by law, or the mayor shall not approve the salary fixed by the council, such judge shall receive as his compensation until such salary shall be so fixed and approved the same fees as are provided in Laws 1895, Chapter 229, Section 32, and shall, in addition to his duties as such judge, perform the duties incumbent on the clerk of such municipal court, and jurors in such municipal court may, by resolution adopted by its common council or governing body and approved by its mayor, be compensated in the same manner as in justice court.

The common council in cities of the fourth class having a population of less than 5,000 which heretofore have been or hereafter may be incorporated under the laws of this state and which have not organized a municipal court at the time of the passage of this section, may, by resolution adopted by its common council or governing body and approved by its mayor, organize such a court under and by virtue of and with such jurisdiction and powers as are conferred by Laws 1895, Chapter 229, and amendments thereto, and the judge of any court so organized shall, in addition to his duties as judge, perform the duties otherwise incumbent or imposed by law on the clerk of such municipal court.

In addition to the other powers now granted to the common council of any city of the third or fourth class by law, which powers are not abridged or impaired by anything herein contained, such common council shall have the power to fix the salary of any such judge, which salary may be fixed by resolution adopted by such council and approved by the mayor and shall not be diminished during his term.

Any municipal court to which the provisions of this section shall apply shall be governed, as nearly as may be, under and pursuant to the provisions of law applicable to municipal courts, and contained in Revised Laws 1905, and the jurisdiction thereof, the practice and procedure therein shall conform, as nearly as may be, to the provisions of law applicable to municipal courts contained in Revised Laws 1905; provided, that any municipal court in any city of the third or fourth class may adopt and follow the practice and procedure prescribed by Laws 1895, Chapter 229, and all proceedings, orders, and judgments of such municipal courts which have followed the procedure prescribed in Laws 1895, Chapter 229, and which are otherwise jurisdictional are hereby legalized and validated.

Any common council of any city of the third or fourth class having a municipal court now organized, or which shall hereafter organize a municipal court to which the provisions of this section may apply, shall have power to fix such reasonable sum, in lieu of all judges' and clerks' fees, to be charged to litigants in civil actions therein, and provide for the collection thereof and the payment of the sum so fixed into the treasury of such city, and may provide for the collection of fees and the

payment thereof into the city treasury, or shall have power to determine that the fees provided for in this section shall be in lieu of and in place of all salary, and shall have power to and may require in cases where salary is paid by the city that such judges collect such fees and pay same into the city treasury and be responsible for such collection.

When fees shall be taxed they shall be taxed and paid as in ordinary cases in courts of justices of the peace and shall be the same in amount as are provided in Laws 1895, Chapter 229, as hereinbefore stated.

[1909 c. 306 s. 1; 1911 c. 10 s. 1; 1935 c. 114] (237)

488.27 FEES TO BE CHARGED BY MUNICIPAL COURTS. In all proceedings had in said municipal court the following fees shall be charged and collected by the judge or clerk as and for the compensation of the judge, and such fees may be taxed in all cases where applicable, as follows:

- (1) For summons, warrant, or subpoena, 35 cents;
- (2) For venire for a jury, 50 cents;
- (3) For a warrant in a criminal case, 35 cents;
- (4) Taking a recognizance, 35 cents;
- (5) Administering an oath, 25 cents;
- (6) Certifying the same when administered out of court, 25 cents;
- (7) For a writ of attachment, 35 cents;
- (8) For hearing and deciding every motion for a new trial, every demurrer, and every motion to open a default, \$1.00;
- (9) Appeal from taxation of costs, \$1.00;
- (10) Entering a judgment, \$1.00;
- (11) Every adjournment, 25 cents;
- (12) Every bond, recognizance or security directed by law to be taken by judge of court, 35 cents;
- (13) Taking an examination, deposition or confession, or entering any cause in docket, per folio, 15 cents;
- (14) For copy of any paper, proceeding or examination in any case, when demanded, per folio, 15 cents;
- (15) Entering a satisfaction of judgment, 25 cents;
- (16) Issuing a commission to take testimony, 50 cents;
- (17) Entering any order or exception thereto, ten cents;
- (18) Entering amicable suit without process, 35 cents;
- (19) For transcript of judgment, 35 cents;
- (20) Opening a judgment for rehearing, 35 cents;
- (21) Filing every paper required to be filed, ten cents;
- (22) Issuing notice to take deposition, 35 cents;
- (23) Taking recognizance, certifying oath or affidavit and making return to district court, per folio, 15 cents;
- (24) For search warrant, 35 cents;
- (25) For commitment to jail, 35 cents;
- (26) For an order to bring up prisoner, 35 cents;
- (27) For an order to discharge prisoner issued to jailer, 35 cents;
- (28) Discharging a prisoner, after hearing a motion to discharge, 25 cents;
- (29) For an execution, 35 cents;
- (30) For every other writ not herein enumerated, 35 cents;
- (31) For every affidavit or other paper drawn by the judge or clerk, for which no other allowance is made by law, per folio, 15 cents;
- (32) Taxing costs, 25 cents;
- (33) For marrying and making return thereof, \$3.00, and such other sum as may be allowed by the parties making the application;
- (34) Holding an inquisition in cases of forcible entry and unlawful detainer, in addition to other fees, \$1.00;
- (35) Taking and certifying the acknowledgment of a deed, for each grantor named therein, 25 cents;
- (36) For traveling to perform any duty, when not otherwise provided for and such travel is necessary, per mile, going and returning, ten cents.

[1895 c. 229 s. 32; 1919 c. 318 s. 1] (239)

488.28 FORM OF SUMMONS IN MUNICIPAL COURT. The summons in municipal court in villages and cities of the fourth class, however organized, except such cities and villages as have heretofore or may hereafter establish a municipal court under the provisions of Laws 1895, Chapter 229, shall be subscribed by the plaintiff or his attorney; it shall be directed to the defendant and require him to serve his answer to the complaint on the subscriber, by copy thereof, at a specified place within the state where there is a post-office, within ten days after the service on him of such summons, exclusive of the day of service, it shall also notify him that the complaint is either attached thereto or on file in the office of the clerk of said court, and it shall also notify him, in substance, that if he fails to serve his answer:

(1) If the action be for the recovery of a debt or a liquidated money demand only, that the plaintiff will take judgment for the amount specified therein;

(2) In other actions that he will apply to the court for the relief demanded in the complaint.

[1919 c. 389 s. 1; 1921 c. 119 s. 1] (240)

488.29 RULES OF PRACTICE. The judges of the municipal courts of the state may assemble, annually, at such time and place as may be designated by the president of the Minnesota municipal judges association. When so assembled the judges may formulate and revise the general rules of practice in such courts as they deem expedient, conformable to law, which rules shall not be inconsistent with any general or special law now applicable to municipal courts of this state. Any other proper business pertaining to such municipal courts may also be transacted. Any city, village, or borough of this state, whether organized under the general laws or a special or home rule charter, may appropriate through its governing body, out of its general fund, money to pay the actual and necessary expenses of such judges in attending such assembly.

[1937 c. 268 s. 1] (214-1)

488.30 COUNTIES MAY APPROPRIATE MONEY FOR MUNICIPAL COURT. Subdivision 1. Any county within the state having a population of less than 100,000 within which is located a municipal court organized under section 488.27, may, by resolution of the board of county commissioners thereof, pay to the municipality within which the court is located a sum of money not exceeding one-half of the costs of the court to the municipality. This sum shall not in any event exceed the sum of \$1,500 per year for each court so organized and located within the county.

Subd. 2. Any payments heretofore made by any such county to a municipality for the purposes set forth in subdivision 1, which do not exceed the sum of \$1,500 per year for each court so organized and located within the county are hereby legalized and validated.

[1921 c 276 s 1; 1947 c 339 s 1]