

CHAPTER 484

DISTRICT COURTS

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484.01 JURISDICTION. The district courts shall have original jurisdiction in all civil actions within their respective districts, in all cases of crime committed or triable therein, in all special proceedings not exclusively cognizable by some other court or tribunal, and in all other cases wherein such jurisdiction is especially conferred upon them by law. They shall also have appellate jurisdiction in every case in which an appeal thereto is allowed by law from any other court, officer, or body.

[R. L. s. 90] (154)

484.02 CONCURRENT JURISDICTION; BOUNDARY WATERS. For the purposes of exercising the concurrent jurisdiction of the courts of this state in civil and criminal cases arising upon rivers or other waters which constitute a common boundary to this and any adjoining state, the counties bordering upon such waters shall be deemed to include so much of the area thereof as would be included if the boundary lines of such counties were produced in the direction of their approach and extended to the opposite shore.

[R. L. s. 91] (155)

484.03 WRITS. Such courts shall have power to issue writs of injunction, ne exeat, certiorari, habeas corpus, mandamus, quo warranto, and all other writs, processes, and orders necessary to the complete exercise of the jurisdiction vested in them by law, including writs for the abatement of a nuisance. Any judge thereof may order the issuance of such writs, and direct as to their service and return.

[R. L. s. 92] (156)

484.04 TESTING WRITS. Every writ or process issuing from a court of record shall be tested in the name of the presiding judge, be signed by the clerk and sealed with the seal of the court, be dated on the day of its issue, and before delivery to the officer for service shall be endorsed by the clerk with the name of the attorney or other person procuring the same; and, when no other time is fixed by law or authorized by the rules of practice, it shall be made returnable on the first day of the next succeeding term.

[R. L. s. 93] (157)

484.05 JUDGE MAY ACT IN ANOTHER DISTRICT. When, in the judgment of any judge of any judicial district, the convenience or interest of the public or the interest of any litigant shall require that the judge of another judicial district

shall discharge any of the duties of such judge, such judge may request a judge of the district court of any other judicial district to discharge any such duties; to hold, or to assist in holding, a general or special term of such court, in any county of such judicial district other than his own, or to try and determine any motion, action, or proceeding pending therein. Thereupon such judge of the district court, or any other judicial district so requested, may discharge any such duties, hold, or assist in holding, a general or special term of such court, or try and determine any motion, action, or proceeding pending therein. By consent of the parties any judge of the court may act in all matters brought before him from another judicial district. The acts, orders, and judgments of the judge so acting shall have the same force and effect as though given by a judge of such judicial district. When no other provision has been made therefor, the clerk shall seasonably notify the governor of the inability of the judge to hold any of his terms.

[R. L. s. 94; 1907 c. 157 s. 1] (158)

484.06 JUDGE NOT TO PRACTICE LAW. No judge of the district court shall practice as an attorney or counselor at law except in cases in which he is a party in interest, nor shall he receive any fees for legal or judicial services other than as prescribed by law; nor shall he be a partner of any practicing attorney in the business of his profession.

[R. L. s. 95] (159)

484.07 COURT NOT OPEN SUNDAY; EXCEPTION. No court shall be opened on Sunday for any purpose other than to receive a verdict, give additional instructions to or discharge a jury; but this provision shall not prevent a judge of such court from exercising jurisdiction in any case where it is necessary for the preservation of the peace, the sanctity of the day, or the arrest and commitment of an offender.

[R. L. s. 96; 1915 c. 38 s. 1] (160)

484.08 DISTRICT COURTS TO BE OPEN AT ALL TIMES. The district courts of the state shall be deemed open at all times, except on legal holidays and Sundays, for the transaction of such business as may be presented, including the issuance of writs and processes, the hearing of matters of law in pending actions and proceedings, and the entry of judgments and decrees therein; and, in addition to the general terms appointed by law to be held, which may be adjourned from time to time, the judge of the district court, or one thereof in districts of more than one judge, may by order filed with the clerk, convene the court in actual session during the vacation period on a date named in the order, for the trial of both civil actions involving public interest and criminal actions, whenever in his judgment public interests will thereby be promoted. When so convened, the court may, by order entered in the minutes by the clerk, direct the issuance of special venires for grand and petit juries, returnable on a named date, for the performance of such duties as may be submitted by the court in the usual course of procedure. Civil actions involving public interests may be noticed for trial at an adjourned sitting of such term occurring more than eight days after the date of calling same, and informations by the county attorney charging the commission of crimes within the county may, as authorized by law, be presented at such terms, and any such information then presented and filed and all indictments then returned by the special grand jury shall be proceeded with by the court in all respects in harmony with the law applicable to other cases and other terms of the court. The judge of the district court may also, by order filed with the clerk, appoint special terms in any county of the district for the hearing of matters of law.

[1923 c. 412 s. 1] (161)

484.09 FIRST JUDICIAL DISTRICT. General terms of district court in the counties constituting the first judicial district shall be held each year at the times herein specified;

Dakota County: The second Monday in January, the first Monday in April, and the second Monday in November.

Goodhue County: The second Monday in February, the second Monday in May, and the first Monday in October.

[1911 c 6 s 1; 1915 c 327 s 1; 1921 c 199 s 1; 1951 c 53 s 1; 1951 c 603 s 1] (162)

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484.10 SECOND JUDICIAL DISTRICT. General terms of district court in the county constituting the second judicial district shall be held each year at the time herein specified:

Ramsey County: The first Monday in October.

[1917 c. 5 s. 1] (162)

484.11 THIRD JUDICIAL DISTRICT. General terms of district court in the counties constituting the third judicial district shall be held each year at the times herein specified:

Houston County: On the third Monday in May and the fourth Monday in October.

Olmsted County: On the first Monday in January, February, March, April, May, June, September, October, November, and December.

Wabasha County: On the third Monday in May and the second Monday in November.

Winona County: On the second Monday in January and the third Monday in April and September.

When any general term in any of said counties wherein not more than three terms are appointed to be held each year shall be adjourned for a period of more than 30 days, and issues of fact in any action are joined more than eight days before the first day of any such adjourned term, then, and in that case, such action may be brought on for trial at such adjourned term upon notice of trial served eight days or more before the beginning of said adjourned term; such notice of trial shall be filed with the clerk at least eight days before the beginning of such adjourned term and shall serve as a note of issue.

[1917 c. 2 s. 1; 1921 c. 103 s. 1; 1923 c. 14 s. 1, 2; 1925 c. 84 s. 1, 2; 1935 c. 62 s. 1; 1951 c. 290 s. 1] (162)

484.12 FOURTH JUDICIAL DISTRICT. General terms of district court in the county constituting the fourth judicial district shall be held each year at the time herein specified:

Hennepin County: Second Monday of September.

[1909 c. 244] (162)

484.13 FIFTH JUDICIAL DISTRICT. General terms of district court in the counties constituting the fifth judicial district shall be held each year at the times herein specified:

Dodge County: The first Monday in April and the third Monday in September.

Rice County: The first Monday in May and the first Wednesday after the first Monday in November.

Steele County: The first Monday in June and the first Monday in December.

Waseca County: The first Monday in March and the second Monday in October.

Where any general term in any of said counties has been or shall hereafter be adjourned for a period of more than 30 days, and issues of fact in any action are joined more than eight days before the first day of any such adjourned term, then, and in that case, such action may be brought on for trial at such adjourned term upon notice of trial served eight days or more before the beginning of said adjourned term.

[R. L. s. 97; 1909 c. 244; 1913 c. 326 s. 1; 1925 c. 99 s. 1; 1933 c. 15 s. 1] (162)

484.14 SIXTH JUDICIAL DISTRICT. General terms of district court in the counties constituting the sixth judicial district shall be held each year at the times herein specified:

Blue Earth County: On the first Tuesday in February, the second Tuesday in May, and the second Wednesday in October.

Watonwan County: On the second Tuesday in April and the second Tuesday in September.

[1937 c. 5 ss. 1, 2; 1937 c. 184 ss. 1, 2, 3] (162)

484.15 SEVENTH JUDICIAL DISTRICT. General terms of district court in the counties constituting the seventh judicial district shall be held each year at the times herein specified:

Becker County: On the first Monday in March and the first Monday in October.

Benton County: On the second Monday in February and the second Monday in September.

Clay County: On the second Monday in April and the second Monday in November.

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Douglas County: On the first Monday in March and the first Monday in October.

Mille Lacs County: On the third Monday in March and the second Monday in October.

Morrison County: On the second Monday in April and the second Monday in November.

Otter Tail County: On the second Monday in April and the second Monday in November.

Stearns County: On the second Monday in April and the second Monday in November.

Todd County: On the first Monday in March and the first Monday in October.

Wadena County: On the second Monday in February and the second Monday in September.

[*R L s 97; 1909 c 244 s 1; 1913 c 9 s 1; 1915 c 90 s 1; 1917 c 37 s 1; 1925 c 9 s 1; 1931 c 117 s 1; 1933 c 28 s 1; 1933 c 108 s 1; 1935 c 46 s 1; 1943 c 137 s 1; 1947 c 347 s 1; 1949 c 345 s 1; 1951 c 410 s 1; 1953 c 272 s 1*] (162)

484.16 EIGHTH JUDICIAL DISTRICT; TERMS OF COURT. General terms of district court in the counties constituting the eighth judicial district shall be held each year at the times herein specified:

Carver County: On the first Monday in March and the second Monday in October.

Le Sueur County: On the third Monday in April and the third Monday in September.

McLeod County: On the second Monday in May and the second Monday in November.

Scott County: On the first Monday in June and the first Monday in December.

Sibley County: On the fourth Monday in March and the fourth Monday in October.

[*1921 c 73 s 1; 1923 c 249; 1937 c 127 s 1; 1949 c 9 s 1*] (162)

484.17 NINTH JUDICIAL DISTRICT. General terms of district court in the counties constituting the ninth judicial district shall be held each year at the times herein specified:

Brown County: On the third Monday in May and the first Monday following Thanksgiving Day.

Lincoln County: On the fourth Monday in March and the fourth Monday in September.

Lyön County: On the fourth Monday in April and the third Monday in November.

Nicollet County: On the first Monday in May and the second Monday in October.

Redwood County: On the second Monday in April and the fourth Monday in October.

[*R L s 97; 1909 c 244; 1915 c 67; 1925 c 102 s 1; 1931 c 50 s 1; 1949 c 129 s 1*] (162)

484.18 TENTH JUDICIAL DISTRICT. General terms of district court in the counties constituting the tenth judicial district shall be held each year at the times herein specified:

Fillmore County: On the second Monday in April and the second Monday in October.

Freeborn County: On the third Monday in February, the second Monday in May, and the second Monday in September.

Mower County: On the second Monday in January, the first Monday in June, and the second Monday in November.

When any general term in any of said counties shall be adjourned for a period of more than 30 days, and issues of fact in any action are joined more than eight days before the first day of any adjourned term, then, and in that case, such action may be brought on for trial at the beginning of said adjourned term; such notice of trial shall be filed with the clerk at least six days before the beginning of such adjourned term and shall serve as a note of issue

[*1917 c 367 s 1; 1919 c 29 s 1; 1935 c 182 s 1; 1945 c 265 s 1; 1951 c 12 s 1*] (162)

484.19 ELEVENTH JUDICIAL DISTRICT, TERMS OF COURT. Subdivision 1. General terms of district court in the counties constituting the eleventh judicial district shall be held each year at the times herein specified:

Carlton County: On the second Tuesday in February, on the first Tuesday in June, and on the second Tuesday in October.

Cook County: On the third Monday in April and on the third Monday in October.

Lake County: On the second Wednesday in June and the third Tuesday in January.

St. Louis County: On the first Wednesday after the first day in January, on the first Wednesday in March, on the first Wednesday in May, on the first Wednesday after the first Monday in September, and on the first Wednesday in November.

Subd. 2. In addition to the general terms of the district court in St. Louis county to be held at the county seat, general terms of the court are hereby established to be held in the city of Virginia, in that county, on the first Tuesday in April, the first Tuesday after the second Monday in September, and the fourth Tuesday in November; in the village of Hibbing, in that county, the second Tuesday in February, the second Tuesday in May, and the third Tuesday in October, in each year; in the city of Ely, in that county, the third Tuesday in March and the second Tuesday in October, in each year, for the trial, hearing and determination of all actions, civil and criminal, and with the same force and effect as though held at the county seat of said county; and all proceedings of whatsoever kind, that can be heard or determined in the district court of this state, may be tried, heard and determined at the said city of Virginia, the said village of Hibbing, or the said city of Ely with the same force and effect as though heard and determined at the county seat of said county, except that all proceedings for the registration of title to real estate shall be tried at the county seat of said county as now provided by law, and all other actions to determine title to real estate shall be tried at the county seat, except that by written consent of all the parties thereto any such action may be tried at said city of Virginia, at the village of Hibbing, or the city of Ely in accordance with such written consent; but no officer having in his custody any of the public records of St. Louis County shall be required to produce such record at the trial of any action not on trial at the county seat, save upon the order of the court providing for the production of such record and its immediate return to the officer producing it, upon its introduction as evidence in such cause.

Subd. 3. Special terms of said district court shall also be held at the city of Virginia at least once in each month, and at the village of Hibbing at least once in each month, on such days and at such times as the court may designate by order, for the hearing of such matters as are usually held at special terms and at chambers in the district court, and the court may, by order, provide for holding special terms of court at the city of Ely at any time when in the judgment and discretion of the court it shall deem it expedient so to do, for the hearing of such matters as are usually heard at special terms and at chambers, in the district court, and may in such order, if it deem it expedient, provide for the trial of issues of fact and law in cases where such action is to be tried by the court without a jury or a jury has been waived by the parties to the action, and such waiver has been filed with the clerk of court.

Subd. 4. No jury shall be summoned for service at the terms herein specified for Cook county or for the city of Ely, in St. Louis county, except upon order of the judge assigned to preside at such term.

[1909 c 126; 1911 c 368 s 1, 2; 1915 c 93 s 1, 2; 1921 c 302 s 1; 1925 c 218; 1945 c 5 s 1; 1949 c 169 s 1; 1949 c 730 s 1; 1953 c 19 s 1] (162, 164, 165)

484.20 TWELFTH JUDICIAL DISTRICT. General terms of district court in counties constituting the twelfth judicial district shall be held each year at the times herein specified:

Chippewa County: On the first Monday in June and the fourth Monday in November.

Kandiyohi County: On the third Monday in March and the first Monday in October.

Lac qui Parle County: On the first Monday in May and the second Monday in December.

Meeker County: On the third Monday in April and the third Monday in October.

Renville County: On the second Monday in May and the second Monday in November.

Swift County: On the third Monday in May and the second Monday in November.

Yellow Medicine County: On the first Monday in April and the third Monday in September.

[R L s 97; 1909 c 244 s 1; 1923 c 290 s 1; 1927 c 55 s 1; 1933 c 11 s 1; 1935 c 356 s 1; 1939 c 11; 1949 c 3 s 1] (162)

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484.21 THIRTEENTH JUDICIAL DISTRICT. General terms of district court in counties constituting the thirteenth judicial district shall be held each year at the times herein specified:

Cottonwood County: On the fourth Tuesday in April and the second Tuesday in November.

Murray County: On the second Tuesday in April and the first Tuesday in December.

Nobles County: On the second Tuesday in February and the second Tuesday in October.

Pipestone County: On the second Tuesday in January and the first Tuesday in June.

Rock County: On the second Tuesday in March and the second Tuesday in September.

[*R. L. s. 97; 1909 c. 244 s. 1; 1913 c. 52 s. 1; 1921 c. 57 s. 1; 1929 c. 3; 1933 c. 22; 1939 c. 36; 1943 c. 38 s. 1*] (162)

484.22 FOURTEENTH JUDICIAL DISTRICT. General terms of district court in the counties constituting the fourteenth judicial district shall be held each year at the times herein specified:

Kittson County: On the second Monday in March and the second Monday in October.

Mahnomen County: On the third Monday in March, and the first Monday in October.

Marshall County: On the fourth Monday in March and the fourth Monday in October.

Norman County: On the first Monday in March and the third Monday in October.

Pennington County: On the second Monday in May and the fourth Monday in November.

Polk County: On the third Monday in May and the third Monday in November.

Red Lake County: On the first Monday in April and the first Monday in November.

Roseau County: On the second Monday in April and the second Monday in November.

[*R L s 97; 1909 c 244 s 1; 1915 c 43 s 1; 1917 c 67 s 1; 1921 c 135 s 1; 1925 c 34 s 1; 1927 c 67 s 1; 1929 c 2; 1931 c 285 s 1; 1933 c 51 s 1; 1937 c 448 s 1; 1947 c 353 s 1; 1949 c 318 s 1; 1953 c 4 s 1*] (162)

484.23 FIFTEENTH JUDICIAL DISTRICT. General terms of district court in the counties constituting the fifteenth judicial district shall be held each year at the times herein specified:

Aitkin County: On the second Tuesday in May and the first Tuesday in December.

Beltrami County: On the third Tuesday in February and the second Tuesday in September.

Cass County: On the first Tuesday in February and the first Tuesday in September.

Clearwater County: On the third Tuesday in April and the first Tuesday in November.

Crow Wing County: On the first Tuesday in April and the first Tuesday in November.

Hubbard County: On the second Tuesday in March and the second Tuesday in October.

Itasca County: On the third Tuesday in February and the second Tuesday in September.

Koochiching County: On the second Tuesday in May and the first Tuesday in December.

Lake of the Woods County: On the third Tuesday in April and the first Tuesday in November.

In years when the first Tuesday in November is general election day the November terms shall be held on the first Wednesday of that month.

[*R L s 97; 1909 c 244 s 1; 1921 c 143 s 1; 1923 c 222 s 2; 1925 c 344 s 1; 1927 c 197 s 1; Ex1933 c 15 s 1; 1937 c 261 s 1-4; 1951 c 414 s 1*] (162)

484.24 SIXTEENTH JUDICIAL DISTRICT. General terms of district court in the counties constituting the sixteenth judicial district shall be held each year at the times herein specified:

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Big Stone County: On the third Monday in May and the first Monday in December.

Grant County: On the second Monday in March and the third Monday in October.

Pope County: On the first Monday in June and the third Monday in November.

Stevens County: On the second Monday in February and the second Monday in September.

Traverse County: On the fourth Monday in February and the first Monday in October.

Wilkin County: On the fourth Monday in March and the first Monday in November.

[1913 c 263 s 1; 1915 c 64 s 1; 1927 c 22 s 1; 1951 c 1 s 1] (162)

484.25 SEVENTEENTH JUDICIAL DISTRICT. General terms of district court in the counties constituting the seventeenth judicial district shall be held each year at the times herein specified:

Faribault County: On the second Monday in May and the second Monday in November.

Jackson County: On the second Monday in April and the second Monday in September.

Martin County: On the second Monday in March and the second Monday in October.

[R L s 97; 1909 c 244 s 1; 1921 c 174 s 1; 1929 c 16 s 1; 1951 c 139 s 1] (162)

484.26 EIGHTEENTH JUDICIAL DISTRICT. General terms of district court in the counties constituting the eighteenth judicial district shall be held each year at the times herein specified:

Anoka County: On the third Monday in March and the fourth Monday in September.

Isanti County: On the second Monday in February and the second Monday in September.

Sherburne County: On the fourth Monday in February and the fourth Monday in October.

Wright County: On the first Monday in May and the third Monday in November.

[1919 c. 88 s. 1; 1937 c. 267 s. 1; Ex. 1937 c. 18 s. 1] (162)

484.27 NINETEENTH JUDICIAL DISTRICT. The general terms of the district court to be held each year in the several counties constituting the nineteenth judicial district of the state of Minnesota shall be held commencing on the days hereinafter set forth, as follows, to-wit:

In Chisago County on the second Tuesday in April and the second Tuesday in November;

In Kanabec County on the second Tuesday in June and the second Tuesday in December, but no petit jury shall be drawn or summoned in Kanabec County unless the court shall so direct on written order made and filed with the clerk of said court at least 20 days before the dates herein fixed for holding said court;

In Pine County on the second Tuesday in March and the second Tuesday in September;

In Washington County on the second Tuesday in January, the second Tuesday in May and the second Tuesday in October.

In addition to the general terms of the district court in Washington County, special terms of said court shall be held in said county on the second Monday of each month for the trial of issues of law and fact without jury, and the hearing of motions and applications.

[R L s 97; 1909 c 21 s 1; 1909 c 244 s 1; 1917 c 9 s 2; 1919 c 70 s 1; 1923 c 56 s 1; 1925 c 345 s 2; 1937 c 49 s 1; 1937 c 50 s 1; 1941 c 232 s 1, 2; 1951 c 6 s 1, 2] (162, 163)

484.28 TERMS IN NEW COUNTIES; SCHEDULE OF TERMS PUBLISHED. When a new county is added to any district, until the time for holding court therefor is fixed by law, the judge or judges of such district, by an order filed with the secretary of state and with the several clerks of court in such district, shall fix the time of holding terms in such county; but such order shall not take effect until 30 days after the filing thereof with the secretary of state nor be altered except as thereafter provided by law. The commissioner of administration shall publish in the volume of laws enacted at each legislative session a schedule of the times of holding court in the several counties as fixed by law.

[1909 c. 244 s. 2; 1945 c. 65 s. 3] (176)

484.29 ABSENCE OF JUDGE; WHO MAY ACT. When the judge who should hear any action, motion, or proceeding is unable to be present, any other judge of the same judicial district may act in his place, except in the trial of causes already begun before the judge so absent; provided that motions for a new trial shall be heard by the judge before whom the cause was tried, if he be still in office and not disabled.

[R. L. s. 98] (177)

484.30 ADJOURNED AND SPECIAL TERMS. The judges of each district may adjourn court from time to time during any term thereof, and may appoint special terms for the trial of issues of law and fact, and, when necessary, direct grand or petit juries to be drawn therefor. Three weeks' published notice of every such special term shall be given in the county wherein it is to be held. They may also appoint special terms for the hearing of all matters except issues of fact, the order for which shall be filed with the clerk, and a copy posted in his office for three weeks prior to such term.

[R. L. s. 99] (178)

484.31 NON-ATTENDANCE OF JUDGE; ADJOURNMENT. If the judge fails to attend on the day appointed for holding court, the sheriff or clerk may open court and adjourn the same from day to day; but, if he does not appear by four o'clock p. m. of the third day, one of said officers shall adjourn the term without day, and dismiss the jurors; provided, that such clerk or sheriff, upon the direction of the judge, and without his presence, may adjourn any general or special term to a day certain, in which case the jurors, if any, shall attend on such day without further notice.

[R. L. s. 100] (179)

484.32 FAILURE TO HOLD TERM NOT TO AFFECT WRITS. When any term of court is not held, all persons bound by recognizance or otherwise to appear thereat shall appear at the next general term thereof held in the county, or, if a special term be sooner held for the trial of civil and criminal causes, then at such special term. If the time for holding any such term be changed by adjournment or otherwise, all persons so bound shall appear at the term as changed. No process, proceeding, or writ shall abate or be discontinued by reason of any alteration in the time or place of holding court, or of any vacancy or change in the office of judge.

[R. L. s. 101] (180)

484.33 RULES OF PRACTICE. The judges of the district court shall assemble annually, at such time and place as may be designated in a call for such meeting given by the district judge of the state longest in continuous service, to revise the general rules of practice in such courts, for which purpose any 18 of them shall constitute a quorum. When so assembled, such judges may revise and amend such rules as they deem expedient, conformably to law, and the same shall take effect from and after the publication thereof. Such rules, as the same shall be so revised and amended from time to time, shall govern all the district courts of the state; but, in furtherance of justice, they may be relaxed or modified in any case, or a party relieved from the effect thereof, on such terms as may be just. Any other proper business pertaining to the judiciary may also be transacted.

[R. L. s. 104; 1919 c. 33] (182)

484.34 SEVERAL JUDGES; DIVISION OF BUSINESS. In districts having more than one judge, the one longest in continuous service, or, if two or more be equal in such service, the one senior in age, shall be the presiding judge thereof. The business of the court may be divided between the judges, and otherwise regulated as they by rule or order shall direct. Each may try court or jury causes separately during the same term and at the same time, or two or more of them may sit together in the trial of any cause or matter before the court. If there be a division of opinion, that of the majority shall prevail. If the division be equal, that of the presiding judge, or, if he be not sitting, that of the judge senior in age, shall prevail. In districts composed of not less than ten counties, the senior judge, at least 30 days before the time appointed by law for the holding of a general term of the court in each county, by order filed in the office of the clerk of the court in that county, shall designate and assign one or more of the judges of such district to preside at the term so appointed, and the clerk forthwith shall mail a copy of such order to each judge of the district. If any judge assigned to hold a term of court, as herein provided, is incapacitated by illness or otherwise

to preside at such term, another judge shall be designated and assigned in like manner to take his place. The same judge shall not be designated or assigned to hold two consecutive general terms in the same county.

[*R. L. s. 105; 1931 c. 51*] (183)

484.35 TEMPORARY COURT-HOUSES. When the court-house or place provided for holding court in any county is destroyed or becomes unsafe or unfit for the purpose, or if no court-house be provided, the judges may designate a convenient place at the county-seat for temporary use as such.

[*R. L. s. 102*] (181)

484.36 TERMS FOR NATURALIZATION. The judges may hold general or special terms of the court for the purpose of hearing applications for naturalization, in any place designated by them in the several counties of their respective districts.

[*R. L. s. 102*] (181)

484.37 TERMS IN CERTAIN CITIES AND VILLAGES; ORDER; NOTICE. Except as hereinafter provided, one or more terms of the district court shall be held during each year in all cities and villages in this state which at any time shall have a population of more than 6,000, which are situated 50 miles or more, by the usual traveled route by rail, from the county-seat of the county in which such village or city may be situated. The time and place of holding such terms of court shall be fixed by the order of a judge of said court, made and filed with the clerk thereof at least 30 days before the time appointed to hold said court. The order may be special as to each term of court to be held, or it may be a general order providing the times and places at which such terms shall be held, until the further order of the court. Such clerk shall cause published notice of the order to be made for two successive weeks in a newspaper published in the city or village where such terms shall be appointed to be held, the last of which publications shall be had not less than ten, nor more than 20, days before the opening of any such term. At such terms of court with the limitations hereinafter provided, all matters cognizable before the court, except the trial of the issues of fact by a jury, may be brought on for hearing, trial and determination.

[*1907 c. 414 s. 1*] (184)

484.38 PLACE OF TRIAL, HOW DETERMINED. The business to be transacted at any such term shall be such as may be brought before the court by consent of parties, and, if in any case or proceeding the parties shall fail to agree with respect to the place of hearing or trial thereof, when one or more of such parties shall reside within such county, and more than 50 miles distant from the county-seat thereof, the matter in dispute may be submitted to the court eight days or more before any such term, and the court shall thereupon determine the place of hearing or trial, having consideration of the residence and convenience of the parties, and the hearing or trial shall thereupon be had at the place so fixed; provided, that in case cities or villages having the population herein provided for, shall at any time exist within 15 miles of each other, it shall not be necessary to fix or hold terms of court in both of such places, but the terms of court may be held in either, as a judge of this court may from time to time determine.

[*1907 c. 414 s. 2*] (185)

484.39 COURT ROOM PROVIDED. It shall be the duty of every such city or village in which such term of court shall be appointed to be held, as aforesaid, to provide therefor a suitable room or building to hold the terms of court as shall be so designated by said judges, at the expense of said village or city.

[*1907 c. 414 s. 3*] (186)

484.40 CALENDAR; NOTE OF ISSUE. It shall be the duty of the clerk to keep a calendar of actions for trial in any such city or village, and it shall be the duty of parties litigant entitled to have their action tried in any such city or village, as aforesaid, to designate the same upon the note of issue to be filed with the clerk of court.

[*1907 c. 414 s. 4*] (187)

484.41 DUTIES OF JUDGES AND SHERIFFS. It shall be the duty of one or more judges of the district court, the sheriff or his deputy or deputies, the clerk of the district court, or one or more of his deputies, to be present at all terms of court, so appointed to be held, to properly attend to the trial and disposition of all cases on the calendar for trial, for any such city or village.

[*1907 c. 414 s. 5*] (188)

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484.42 RECORDS. All records, orders, judgments, of any term of a court so held shall finally be deposited and recorded in the county clerk's office at the county-seat of the county.

[1907 c. 414 s. 6] (189)

484.43 EXPENSES; CHANGE OF VENUE. The judges of the district court shall have full power and authority to make all such orders as are necessary to carry out the provisions of sections 484.37 to 484.43, and shall have the power to direct the county commissioners of any such county to pay the necessary traveling and other expenses connected with holding these terms of court, not otherwise provided by law; provided, that nothing in sections 484.37 to 484.43 shall prevent the change of venue of the trial of civil actions as otherwise provided by law.

[1907 c. 414 s. 7] (190)

484.44 DEPUTY SHERIFF AND CLERK. There shall be at all times a chief deputy sheriff of St. Louis county and a chief deputy clerk of the district court of St. Louis county and such other deputies as may be necessary, resident at the city of Virginia, or the city of Ely, or the village of Hibbing, and their appointment shall be made in the same manner as other deputy sheriffs and deputy clerks of the district court in said county. The salaries of such deputies shall be fixed and paid in the same manner as other such deputies. The office of said deputy sheriff at Virginia, Hibbing, and Ely shall not in any sense be considered or deemed the office of the sheriff for any purpose except the performance of his duties relating solely to proceedings tried or to be tried at said places; but the office of the deputy clerk at said places shall be equally deemed the office of the clerk of court for all purposes except the filing of papers in actions or proceedings to be tried at Duluth. Marriage licenses and naturalization papers may be issued by said deputy clerk.

[1909 c. 126; 1911 c. 368 s. 1; 1915 c. 93; 1915 c. 371; 1917 c. 255 s. 2; 1921 c. 234 s. 1; 1931 c. 160 s. 1] (166)

484.45 COURT-HOUSE; JAIL; EXPENSES. It is hereby made the duty of the board of county commissioners of the county of St. Louis to furnish and maintain adequate accommodations for the holding of terms of the district court at the village of Hibbing, and the city of Virginia, proper offices for these deputies and a proper place for the confinement and maintenance of the prisoners at the village of Hibbing and the city of Virginia.

The county shall reimburse the clerk of the court and his deputies as herein provided for and the county attorney and his assistants and the district judges of the district and the official court reporter for their traveling expenses actually and necessarily incurred in the performance of their respective official duties.

[1909 c. 126; 1911 c. 368; 1915 c. 371 s. 1; 1917 c. 255 s. 1] (167)

484.46 JURORS. Grand and petit jurors for each of these general terms shall be selected, drawn, and summoned in the same manner in all respects as for the general terms of the court held at the county-seat of the county, except when in the discretion of the court there will be no necessity of drawing a grand jury or a petit jury, the court may enter its order directing that no grand jury or petit jury be summoned for the particular term therein mentioned.

[1909 c. 126; 1911 c. 368; 1915 c. 93] (168)

484.47 APPEALS FROM MUNICIPAL AND JUSTICE COURTS. All appeals from municipal courts and from justices of the peace shall be heard and tried at the place of holding regular or adjourned regular terms of the district court which is nearest to the court appealed from, by the usual routes of travel.

By consent of the parties any such appeal may be tried at any other place in the county where regular terms of the district court are held.

[1909 c. 126; 1911 c. 368] (169)

484.48 TRIAL OF CRIMINAL CASES. All persons bound over to the grand jury, charged with a criminal offense, by any justice of the peace or municipal court, shall be tried at the place of holding regular terms of the district court which is nearest to the court binding said party over, except as hereinafter provided; and all criminal offenses committed in any city, village, town, or unorganized territory shall be tried at the place of holding the regular term of the district court which is nearest to the city, village, town or place where the offense is committed.

When the offense is committed nearer to Virginia or Hibbing or Ely than to the county-seat, the party committing the offense shall be tried at the first term of court to be held at Virginia or Hibbing or Ely at which a grand jury is in session. When the offense is committed nearer the city of Ely than any of the other places referred to, said cause, in the discretion of the court, or on demand of the person charged with the offense, may be tried at the city of Ely.

[1909 c. 126; 1911 c. 368; 1915 c. 93 s. 5] (170)

484.49 TRIAL OF ACTIONS. All civil actions brought in the district court of the county against any person or persons, firm, or corporation residing in the county, shall be tried, heard, and determined at the place of holding regular or adjourned terms of the district court which is nearest, by the usual route of travel, to the residence of the defendant or defendants, or the majority thereof, unless the place of trial shall be waived by the defendant or defendants; and, for the purpose of determining the place of residence of domestic corporations, such a corporation shall be considered as residing at any place where it has an office, resident agent, or business place; provided that if none of the parties shall reside or be found in the state, or the defendant be a foreign corporation, the action shall be begun and tried in the place designated in the summons.

[1909 c. 126; 1911 c. 368; 1921 c. 302 s. 2] (171)

484.50 SUMMONS; PLACE OF TRIAL. Any party wishing to have any appeal from an order of the railroad and warehouse commission, any election contest, a lien foreclosure, or any civil cause or proceeding of any kind commenced or appealed by him in said court, tried in the city of Virginia shall, in the summons, notice of appeal in such matters, or other jurisdictional instrument issued therein, in addition to the usual provisions, print, stamp, or write thereon the words, "to be tried at the city of Virginia," and any party wishing any such matter commenced or appealed by him in said court tried at the village of Hibbing shall, in the summons, notice of appeal in such matters, or other jurisdictional instrument issued therein, in addition to the usual provisions, print, stamp, or write thereon the words, "to be tried at the village of Hibbing," and any party wishing any such matter commenced or appealed by him in said court tried at the city of Ely shall, in the summons, notice of appeal in such matters, or other jurisdictional instrument issued therein, in addition to the usual provisions, print, stamp, or write thereon the words, "to be tried at the city of Ely;" and in all cases where any summons, notice of appeal in such matters, or other jurisdictional instrument contains any such specifications, the case shall be tried at said city of Virginia, or the village of Hibbing, or the city of Ely, as the case may be, unless the defendant shall have the place of trial fixed in the manner hereinafter set out.

If the place of trial designated is not the proper place of trial, as specified in sections 484.44 to 484.52, the cause shall nevertheless be tried in such place, unless the defendant, in his answer in addition to the other allegations of defense, shall plead the location of his residence, and demand that such action be tried at the place of holding said court nearest his residence, as herein provided; and in any case where the answer of the defendant pleads such place of residence and makes such demand of place of trial, the plaintiff, in his reply, may admit or deny such allegations of residence, and if such allegations of residence be not expressly denied, such case shall be tried at the place so demanded by the defendant, and if the allegations of residence be so denied, then the place of trial shall be determined by the court on motion.

If there are several defendants, residing at different places in said county, the trial shall be at the place which the majority of such defendants unite in demanding, or if the numbers are equal, at the place nearest the residence of the majority.

The venue of any such action may be changed from any one of these places to any other, by order of the court, in the following cases:

- (1) Upon written consent of the parties;
- (2) When it is made to appear, on motion, that any party has been made a defendant for the purpose of preventing a change of venue as provided in this section;

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(3) When an impartial trial cannot be had in the place where the action is pending; or

(4) When the convenience of witnesses and the ends of justice would be promoted by the change.

Application for such change under clause (2), (3), or (4), shall be made by motion which shall be returnable and heard at the place of commencement of the action.

[1909 c. 126; 1911 c. 368; 1915 c. 93; 1921 c. 302 s. 6; 1931 c. 195 s. 1] (172)

484.51 PAPERS WHERE FILED. After the place of trial of any cause is determined, as provided in sections 484.44 to 484.52, all papers, orders and documents pertaining to all causes to be tried at Virginia and filed in court shall be filed and be kept on file at the clerk's office in the city of Virginia, and all causes to be tried in Hibbing and all papers, orders and documents pertaining thereto shall be filed and be kept on file at the clerk's office in the village of Hibbing.

In all actions tried at the city of Virginia or the village of Hibbing, the clerk of said court, as soon as final judgment is entered, shall forthwith cause such judgment to be docketed in his office at the county-seat; and when so docketed the same shall become a lien on real estate and have the same effect as judgments entered in causes tried at the county-seat.

In all actions tried at the city of Virginia or the village of Hibbing, involving the title of real estate, upon final judgment being entered, all the papers in said cause shall be filed in the clerk's office at the county-seat and the final judgment or decree recorded therein, and a certified copy of all papers in the case shall be made by the clerk and retained at the clerk's office in the city of Virginia or in the clerk's office in the village of Hibbing where the action was originally tried, without additional charge to the parties to said action.

[1909 c. 126; 1911 c. 368; 1915 c. 93; 1917 c. 255 s. 3] (173)

484.52 RULES. The judges of the district court shall have full power and authority to make all such rules, orders, and regulations as are necessary to carry out the provisions of sections 484.44 to 484.52.

[1909 c. 126; 1911 c. 368] (174)

484.53 DIVISION OF BUSINESS; JUVENILE COURT. The said judges, or a majority of them, may divide the business of said court among the said judges, and may otherwise regulate the business by rules or otherwise; and each of the judges may separately try court or jury cases during the same term, or at the same time.

The said judges, or any two of them, may designate one of their number whose duty it shall be to act as judge of the juvenile court at Virginia, in said county, to hear and determine cases arising under the provisions of Laws 1905, Chapter 285, and all cases affecting dependent, neglected and delinquent children under the law; and all authority of Laws 1905, Chapter 285, shall be applicable to said court; and the same shall be known as the juvenile court of Virginia.

Said juvenile court of Virginia shall have concurrent jurisdiction with the juvenile court heretofore established in said county in all cases under Laws 1905, Chapter 285.

The terms of said juvenile court shall be at the times specified by the judge of said court.

Special terms of said court may be held at the village of Hibbing on the order of the judge of said court.

One of the deputy clerks of said court, residing at Virginia, shall be clerk of the said juvenile court, and the appointment of such deputy clerk as such clerk of said juvenile court shall be made by the clerk of the district court of said county, with the consent and approval of the judges of the juvenile courts of said county, and such clerk of such juvenile court shall receive as compensation for his services, including those of deputy clerk, the sum of \$125.00 per month.

[1911 c. 368; 1913 c. 171 s. 1] (175)

484.54 EXPENSES OF JUDGES. The judges of the district court shall be paid, in addition to the amounts now provided by law, all sums they shall hereafter pay out as necessary railway, traveling and hotel expenses while absent from

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their places of residence in the discharge of their official duties, and all sums they shall necessarily hereafter pay out for telephone tolls, postage, expressage, and stationery, including printed letter-heads and envelopes for official business. Each judge shall file quarterly with the state auditor an itemized statement, verified by him, of all such expenses actually paid by him during the preceding quarter, which shall be audited by the state auditor and paid upon his warrant.

[1913 c. 466 s. 1; 1921 c. 249] (209)

484.55 DEPUTY CLERKS, CERTAIN COUNTIES. Before the commencement of any general term, the district court in any county having not less than 50,000 nor more than 100,000 inhabitants according to the last federal census may by order require the clerk of court to furnish a deputy clerk during such term. The order shall be filed with the clerk of court. Such deputy clerk shall receive such compensation as the judge shall determine, not to exceed \$10 per day, while attending such term of court.

[1953 c 214 s 1]