

PART IV**REDRESS OF CIVIL INJURIES****JUSTICES OF THE PEACE****CHAPTER 530****JUSTICE COURTS****530.01 JURISDICTION**

A landlord who unsuccessfully maintained a tort action against his tenant to recover damages for destruction of the building through the tenant's negligence, may not thereafter maintain an action against the tenant on the lease contract to collect rent after the destruction of the building. *Goldman v General Mills*, 110 F Supp 159.

When a vacancy occurs in the office of justice of the peace, a successor is elected for two years and not for the unexpired term. OAG Dec. 27, 1947 (266-A-11).

Where a person elected justice of the peace refuses to qualify the office must be filled by appointment. Where the election of a justice of the peace creates a vacancy in the office of a second justice of the peace, that vacancy must be filled by appointment. OAG Jan. 27, 1948 (266-A-12).

Justices of the peace having jurisdiction should dispose of traffic violations under the village ordinance. Such judicial authority cannot be delegated to or exercised by a police officer. OAG July 21, 1952 (989-A-24).

530.02 PLACE OF HOLDING COURT

A justice of the peace for the township of Canosia, in St. Louis county, which township is not adjacent to the city of Duluth, may acquire jurisdiction to impose a sentence outside his territorial jurisdiction by consent or waiver of the defendant. Where the crime was committed in St. Louis County outside of the city of Duluth, and not in a city having a municipal court, the justice from Canosia may hold court in Duluth, and the defendant may waive jurisdiction and consent to enter his plea in the city of Duluth and the sentence will be valid. OAG Jan. 19, 1950 (266-B-11).

530.03 OFFICE, WHERE NOT TO BE HELD

A justice of the peace may not have his office in a saloon or in any room adjacent to or connected with a saloon. OAG Feb. 9, 1950 (266-A-4).

The statute does not prohibit a justice of the peace from holding court in a fire station which is in the same municipal building as a municipal liquor store, there being no opening or connection between the fire station and the liquor store. OAG Feb. 27, 1950 (266-A-4).

A justice of the peace may hold his office in the council chamber in the city hall even though there is a municipal store in the building, provided there is no connecting door between the liquor store and the council chamber. OAG March 17, 1953 (266-A-4).

530.04 POWERS, LAWS APPLICABLE

A village justice may also serve as deputy registrar of motor vehicles. OAG Sept. 14, 1948 (358-D-2).

Where an automobile is sold at execution sale the registrar of motor vehicles may require as proof of ownership a copy of the writ of execution and the writ thereto certified by the clerk or by the justice of the peace who issued the writ; and when such certified copy discloses that the officer to whom the writ was directed made the writ, and the writ recites a sale to an applicant for registration, the title may be transferred. OAG Nov. 8, 1948 (632-E-27).

530.05 ACTIONS WITHIN JURISDICTION

A justice court being one of limited jurisdiction is confined strictly to the powers conferred by statute and those powers must be exercised as prescribed by statute. Hoppe v Klapperich, 224 M 224, 28 NW(2d) 780.

530.06 ACTIONS NOT WITHIN JURISDICTION

An action for breach of promise to marry is in form on contract, but in respect to damages, it is governed by the law applicable to tort actions; and the jury in assessing damages could consider defendant's financial worth, social position, the pecuniary and social advantages plaintiff would have enjoyed if defendant performed his contract, and the mental pain and anguish suffered by the plaintiff. Kugling v Williamson, 231 M 135, 42 NW(2d) 534.

530.08 DOCKET, CONTENTS

The only record the law requires a justice of the peace to keep is his docket. OAG April 10, 1953 (851-F).

CHAPTER 531**CIVIL CASES****COMMENCEMENT OF ACTIONS**

NOTE: Minnesota Rules of Civil Procedure for the district courts, promulgated June 25, 1951, effective January 1, 1952, are published in Minnesota Reports, Volume 232; Minnesota Rules Practice, published by West Publishing Company, and in Minnesota Rules of Civil Procedure, published by the State Printer. Rules of Civil Procedure for the municipal court, promulgated July 16, 1953, effective January 1, 1954, are published in Minnesota Reports, Volume 237.

531.01 ACTIONS, HOW COMMENCED

"Peace of mind" in 48 pieces v uniform right of privacy. 32 MLR 734.

An oral agreement to cultivate land on shares which provided for exclusive possession of the premises in the tenant and that part of the rent was to be paid in cash and part in crops; where the owner considered that the contract could be terminated at the end of any contract year; and under which the tenant made certain fence repairs creating landlord-tenant relationship, an action for conversion of flax straw did not lie where plaintiffs did not have title thereto at the time of the alleged conversions. Larson v Archer-Daniels, 226 M 315, 32 NW(2d) 649.

Conversion is an act of wilful interference with the chattel, done without lawful justification, by which any person entitled thereto is deprived of use and possession. In bringing an action for conversion property the plaintiff must enjoin an ownership either general or special in the property converted by the defendant. Knowledge or motive of the converter is immaterial except as affecting the amount of damages. Larson v Archer-Daniels, 226 M 315, 32 NW(2d) 649.