

89022

GENERAL STATUTES OF
MINNESOTA

SUPPLEMENT 1917

CONTAINING THE AMENDMENTS TO THE GENERAL STATUTES
AND OTHER LAWS OF A GENERAL AND PERMANENT
NATURE, ENACTED BY THE LEGISLATURE
IN 1915, 1916, AND 1917

WITH NOTES OF ALL APPLICABLE DECISIONS

COMPILED BY

FRANCIS B. TIFFANY



WEST PUBLISHING CO.

1918

service, properly certified to by the adjutant general of the state of Minnesota, and all sums so paid, which shall hereafter be refunded to the state of Minnesota by the United States government, shall, when received by the state treasurer, be credited to the appropriation herein provided for said commission and shall be used for any of the purposes provided for in this act. ('17 c. 261 § 6)

[117—]16. **Enlistment, organization and maintenance of home guard**—Said commission is hereby authorized to do all acts and things necessary to provide for the enlistment, organization and maintenance of a home guard for service in the state of Minnesota, to consist of such numbers and units of organization and officers as may be prescribed by said commission, and said commission may secure proper arms and equipment for said guard from the United States government or otherwise, and shall have full power in all things to provide for the organization, equipment, subsistence and maintenance thereof, and said home guard may receive pay and allowances not in excess of that prescribed for the national guard or volunteers in federal service. All of the officers of said guard shall be appointed by the governor, who shall have the same powers in relation to said guard as now conferred upon him by the constitution and laws of the state in relation to the other military and naval forces thereof. ('17 c. 261 § 7)

[117—]17. **Duration and termination of powers**—When peace shall be concluded between the United States and any and all foreign nations with which the United States is now or hereafter may be at war, the commission shall proceed, as soon as practicable, to close up all of its affairs and upon termination thereof shall make report to the governor of its acts and expenditures, and the powers and duties of such commission shall terminate and cease within three (3) months after the conclusion of peace and shall sooner terminate if the governor shall determine and proclaim that the exercise of the powers and duties of such commission are no longer necessary for public safety. The governor is also authorized to determine and to proclaim that it is necessary to continue such commission in existence for a longer term than three (3) months after peace and shall, in such case, fix the period of the termination of such commission by proclamation. ('17 c. 261 § 8)

[117—]18. **Appropriation**—There is hereby appropriated from any money not otherwise appropriated, the sum of one million dollars, to be immediately available, for the purpose of carrying out the provisions of this act, the same to be paid out on the order of said commission as provided in its by-laws. ('17 c. 261 § 9)

[117—]19. **Partial invalidity**—The provisions of this act are separable and not dependent, and if any provision, section, or part of either, is held unconstitutional, the same shall not affect any other part of this act. ('17 c. 261 § 10)

CHAPTER 5

JUDICIAL DEPARTMENT

SUPREME COURT

121. **Power concerning writs and processes**—The court shall have power to issue to all courts of inferior jurisdiction and to all corporations and individuals, writs of error, certiorari, mandamus, prohibition, quo warranto and all other writs and processes whether especially provided for by statute or not, that are necessary to the execution of the laws and the furtherance of justice. It shall be always open for the issuance and return of such writs and processes and for the hearing and determination of all matters involved therein and for the entry in its minutes of such orders as may from time to

4. Said commission may require any person to appear before it or before any agent or officer of such commission for examination and may examine any such person under oath as to any information within the knowledge of such person and to require such person to produce for inspection any writings or documents under his control, and to that end the district court of any county in the state shall issue a subpoena upon the request of any of its agents or officers, and all said agents and officers shall have power to administer oaths and take testimony and to procure the punishment for contempt of any person refusing to answer or produce writings or documents requested by such commission, by any such district court.

5. Said commission may inquire into the method of performance of his duty by any public official other than the constitutional officials of this state, and may advise the governor to remove any such official from office, if in the judgment of the commission the public interests demand such removal. Upon being advised to remove any such official by said commission, the governor is hereby authorized summarily to remove such public official. ('17 c. 261 § 3)

Authority of Commission upheld—In *Cook v. Burnquist* (D. C.) 242 Fed. 321, it was held that this section was constitutional and valid, and that the statute could not be attacked as delegating legislative power to the Commission. It was also held that the statute gave the Commission authority to require city councils, etc., to enact necessary ordinances to close saloons at ten p. m.; that the authority given the Commission to do all things not inconsistent with the laws of the state meant not inconsistent with the broad purposes or underlying principles and fundamental requirements of such laws.

[117—]13. **To provide for comfort of persons in military and naval service and of dependents**—Said commission shall have power, in addition to the powers hereinbefore granted, to provide for the comfort of any persons in the military service of the United States or of the state of Minnesota who shall enlist in any such war or who, at the time of the commencement thereof, shall be residents of the state of Minnesota, and in addition thereto shall also have power to provide and pay for the support and maintenance of any person or persons dependent for support upon any soldier in the military service of the state of Minnesota, or of the United States, while such soldier is in such service, and shall have power to expend such sums as it may deem necessary for the relief of any such soldier or any person dependent upon him, and shall make proper rules and regulations concerning the same. Said commission shall also have power to provide for any comforts, clothing or other aid for any person in service of the United States government on the battleship Minnesota during the continuance of any such war. ('17 c. 261 § 4)

[117—]14. **Payment to Minnesota national guard for service on Mexican border**—Said commission shall pay to each enlisted member of the national guard of the state of Minnesota who honorably served in the Minnesota military organizations on the Mexican border service pursuant to the call of the president of the United States made June 18, 1916, in addition to the pay received by him from the federal government, the sum of fifty (50) cents per day for each day of such service of such enlisted man after being mustered into federal service, such payment to be made upon duly signed and receipted pay rolls to be prepared by the commander of the company, battery or detachment of which such men were members, blanks therefor to be furnished by the adjutant general; said pay rolls to be checked and approved by such adjutant general. Such payment to be made upon the state auditor's warrant drawn upon the state treasurer as soon as practicable after the muster out from the United States service of any member entitled to such pay. ('17 c. 261 § 5)

[117—]15. **Payment from mobilization until mustered into service of United States**—Said commission is also authorized to pay all members of the national guard of Minnesota for service from the time said guard was mobilized pursuant to the order of the United States government for service on the Mexican border until the time the members of such guard were actually mustered into the service of the United States upon pay rolls showing such

time be necessary to carry out the power and authority conferred upon it by law, subject to such regulations as it may prescribe. Any justice of the court, either in vacation or in term, may order the writ or process to issue and prescribe as to its service and return. (Amended '17 c. 403 § 1)

Certiorari—Certiorari will lie to review the quasi judicial proceedings of municipal boards only where there is no right of appeal and no other adequate remedy (134-204, 153+977). Certiorari, Ⓒ5(1).

Certiorari lies to review the action of a municipal officer in removing a subordinate, though the removal is arbitrary and without jurisdiction because contrary to the requirements of the city charter (127-155, 149+11). Municipal Corporations, Ⓒ159(6).

Certiorari is the proper remedy to obtain a review of the action of a city council in revoking a liquor license (125-425, 147+820). Intoxicating Liquors, Ⓒ108(10).

Order punishing for criminal contempt, not being appealable, is subject to review on certiorari (128-153, 150+383). Contempt, Ⓒ66(1).

122. General powers—Rules—

Assignments of error—161+213. Appeal and Error, Ⓒ731(2), 732.

Assignments of error in appellant's brief of errors of law occurring at the trial cannot be considered, where the only ground of motion for new trial is that the decision is not justified by the evidence and is contrary to law (161+259). Appeal and Error, Ⓒ302(5).

Stay of proceedings—Limitations—Rule 26. Stay of proceedings postpone running of 20-day period for entry of judgment (121-370, 141+485). Costs, Ⓒ238(1).

Record and points and authorities—Where no record and no points or authorities have been served, and no excuse for failure to serve them has been presented, appellee is entitled to affirmance under rule 12 (134-464, 157+327). Appeal and Error, Ⓒ633, 774.

Where no paper book or brief is served or filed, there is nothing for review, except the question whether the findings of fact support the judgment (161+783). Appeal and Error, Ⓒ589, 770(1).

The rules require appellant to print only so much of record as will clearly present all questions raised by him, and respondent, deeming other parts necessary, may print a supplemental record or resort to folios of settled case (162+1054). Appeal and Error, Ⓒ609.

MINNESOTA REPORTS

[141—]1. **New contract**—That the Secretary of state be and is hereby authorized and required on behalf of the State of Minnesota to solicit bids and enter into a contract for the printing and publishing of the number of copies of the supreme court reports of this state now required by law for the period of six years from and after October 1st, 1915, said contract to be awarded to the lowest responsible bidder whose bid shall not exceed \$1.00 per volume, and who shall furnish to said secretary of state a bond in the sum of five thousand dollars conditioned that the said reports and the printing and publishing thereof shall conform to the following specifications, to wit:

First. That the size of the volumes, the character and quality of the paper used therein, and the binding and the general mechanical execution thereof shall conform to the requirements for the printing and publication of said reports provided by section 139, General Statutes of Minnesota for 1913.

Second. That the number of copies provided for by law shall be published and delivered to the secretary of state within sixty days after the complete manuscript thereof shall be delivered by the reporter of said court to said contracting party.

Third. That at the time said party to whom said contract shall be awarded shall deliver said copies of said report to said secretary of state, free of charge, a true and correct paper matrix of said report, to be preserved by said secretary of state as part of the records of his office.

Fourth. That the party to whom said contract shall be awarded shall agree to publish and sell the same at the place of publication within this state, and at all times keep the same on sale at such place of publication in quantities of one or more copies at any one time, and upon reasonable notice of not less than ten days for the price agreed upon in said contract, and when delivered elsewhere in the state, not to exceed the sum of one dollar and twenty-five cents (\$1.25) per volume, and shall agree to stereotype the same and at all times keep the same on sale in the state of Minnesota at the contract price, and furnish the state any number of additional copies that may be thereafter required at said contract price, the copyright of all reports published under said contract vesting in the secretary of state for the benefit

of the people of this state; provided, however, that nothing herein contained shall be so construed as to prevent the contractors by whom any such volume is published, their representatives or assigns, from continuing the publication and sale of such volumes, so long as they shall comply in all respects with the requirements of this act in respect to the character, sale and price of such volume. ('15 c. 250 § 1)

DISTRICT COURT

145. Power to issue writs—

A landowner may review proceedings for the establishment of a town ditch by writ of certiorari, but he cannot maintain an action to restrain the construction of the ditch (125-403, 147+273). Injunction, ⇨7.

An injunction suit to restrain enforcement of a statute claimed by plaintiff to be unconstitutional held one to enjoin criminal prosecutions, and not maintainable, though it might avoid a multiplicity of actions (124-239, 144+764, 49 L. R. A. [N. S.] 951). Injunction, ⇨105(2).

A covenant on the sale of the good will of a business not to engage in a competitive business in the same city is enforceable by injunction (124-49, 144+415). Injunction, ⇨61(2).

Contractors for the construction of a drainage ditch held not to show irreparable injury, or that their remedy at law was inadequate, so as to entitle them to restrain actions on their bond (124-10, 144+423, L. R. A. 1915F, 1012, Ann. Cas. 1915B, 448). Injunction, ⇨26(1).

Injunction will lie to restrain one resident of this state from maintaining an action against another resident in another state, where equitable grounds exist, such as violation of law of this state or other disadvantage will accrue to defendant (122-24, 141+1096, 46 L. R. A. [N. S.] 695). Injunction, ⇨33.

Ground for restraining action in order to avoid a multiplicity of suits (see 124-10, 144+423, L. R. A. 1915F, 1012, Ann. Cas. 1915B, 448). Injunction, ⇨26(4).

146. Writs and processes, how tested, signed, etc.—

124-456, 145+167; note under § 8284.

149. Courts not open Sundays—Exceptions—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. (Amended '15 c. 38 § 1)

150. Times for holding general terms— * * *

First judicial district— * * *

The provisions of this section relating to the first district are superseded by 1915 c. 327. See § [151]-1.

Second judicial district— * * *

The provisions of this section relating to the second district are superseded by 1917 c. 5. See § [151]-2.

Third judicial district— * * *

The provisions of this section relating to the third judicial district are superseded by 1917 c. 2. See § [151]-3.

Seventh judicial district— * * *

The provisions of this section relating to the seventh district are superseded by 1913 c. 9, amended 1915 c. 90; 1917 c. 37. See § 153.

Ninth judicial district— * * *

The provisions of this section relating to the ninth district are superseded by 1915 c. 67. See § [153]-1.

Tenth judicial district— * * *

The provisions of this section relating to the tenth district are superseded by 1917 c. 367. See § [153]-2.

Fourteenth judicial district— * * *

The provisions of this section relating to the fourteenth district are superseded by 1913 c. 40, amended 1915 c. 43; 1917 c. 67. See § 156.

Sixteenth judicial district— * * *

The provisions of this section relating to the sixteenth district are superseded by 1915 c. 64. See § [158]-1.

Nineteenth judicial district— * * *

Kanabec County—For terms in, see §§ [158]-2, [158]-3.

151. [Superseded.]

See note under § [151—]1.

[151—]1. **Same—First judicial district**—The general terms of the district court of the first judicial district of the State of Minnesota shall be held as follows:

In Goodhue County—The second Monday in March and the first Monday in October each year.

In Dakota County—The first Monday in May and the second Monday in November each year. ('15 c. 327 § 1)

Section 2 repeals inconsistent acts, etc. See §§ 150, 151.

[151—]2. **Same—Second judicial district**—The general terms of the District Court of the Second Judicial District of the State of Minnesota shall be held each year at the time herein prescribed, as follows:

In Ramsey County—the first Monday in October in each year. ('17 c. 5 § 1)

Section 2 repeals inconsistent acts, etc. See § 150.

[151—]3. **Same—Third judicial district**—The general terms of the District Court in the several counties constituting the Third Judicial District of the State of Minnesota shall be held each year at the times herein prescribed as follows:

Olmstead County on the first Monday in June and December;

Wabasha County on the second Monday in May and November;

Winona County on the second Monday in January, the third Monday in April and September; provided that no grand jury shall be drawn or summoned for the April term of said Court in Winona County, except upon the direction of the presiding judge of the District Court of said county. ('17 c. 2 § 1)

153. Same—Seventh judicial district—From and after the passage of this act the general terms of the district court in and for the several counties composing the seventh judicial district of the State of Minnesota, shall be held in each year as follows:

In Becker County on the fourth Monday in March and the first Monday in October.

In Benton County on the second Monday in April and the first Monday in October.

In Clay County on the second Monday in May and the first Monday in December.

In Douglas County on the fourth Monday in February and the first Tuesday in September.

In Mille Lacs County on the fourth Tuesday in March and the third Tuesday in October.

In Morrison County on the second Monday in April, and in the odd numbered years on the first Monday in November, and in the even numbered years on the Wednesday next following general election day.

In Otter Tail County on the second Monday in May and the first Monday in December.

In Stearns County on the second Monday in May and the first Monday in December.

In Todd County on the second Monday in March and the third Monday in September.

In Wadena County on the fourth Monday in April and the second Monday in November. ('13 c. 9 § 1, amended '15 c. 90; '17 c. 37 § 1)

[153—]1. **Same—Ninth judicial district**—The general terms of the district court in the several counties constituting the Ninth Judicial District of the State of Minnesota shall be held each year at the times herein prescribed, as follows:

Brown county, on the third Monday in May and the second Monday in December.

Nicollet county, on the first Monday in May and the second Monday in October.

Redwood county, on the third Monday in April and the fourth Monday in October.

Lyon county, on the first Monday in June and the third Monday in November.

Lincoln county, on the third Monday in March and the fourth Monday in September. ('15 c. 67 § 1)

Section 2 repeals inconsistent acts, etc. See § 150.

By § 3 the act takes effect July 1, 1915.

[153—]2. **Same—Tenth judicial district**—That the general terms of the district court to be held each year in the several counties constituting the tenth judicial district of Minnesota shall be held commencing on the day hereinafter described, as follows, to-wit:

In Fillmore county on the fourth Monday in May, and the second Monday in November.

In Freeborn county on the first Monday in February, the second Monday in May, and the fourth Monday in September.

In Houston county on the last Tuesday in April and the first Tuesday in December, provided that no grand jury shall be called for the April term except upon the special order of the presiding judge, directing that a grand jury be drawn.

In Mower county on the second Monday in January and the second Monday in June. ('17 c. 367 § 1)

Section 2 repeals inconsistent acts, etc. See § 150 and 1915 c. 115.

156. Same—Fourteenth judicial district—The general terms of the district court shall be held each year in the several counties constituting the Fourteenth Judicial District of Minnesota, at the times herein prescribed, as follows:

Kittson County, on the third Monday in June and the second Monday in December.

Marshall County, on the fourth Monday in May and the fourth Monday in November.

Norman County, on the second Monday in May and the second Monday in November.

Pennington County, on the fourth Tuesday in June and the first Tuesday in February.

Mahnomen County, on the fourth Tuesday in October.

Polk County, on the first Monday in June, and the first Monday after the first day of January.

Red Lake County, on the fourth Monday in March and the third Monday in November.

Roseau County, on the third Monday in May and the fourth Monday in October. ('13 c. 40 § 1, amended '15 c. 43; '17 c. 67 § 1)

1917 c. 67 § 2 repeals inconsistent acts, etc. See § 150.

[158—]1. **Same—Sixteenth judicial district**—The general terms of the District Court in the sixteenth judicial district of this state, shall be held in the several counties in each year at the times hereinafter prescribed, as follows:

In Stevens County: First Monday in March and first Monday in October.

In Big Stone County: Third Monday in March and second Monday in October.

In Traverse County: First Monday in May and second Monday in November.

In Grant County: First Monday in June and fourth Monday in October.

In Wilkin County: Third Monday in May and second Monday in December.

In Pope County: Second Monday in June and fourth Monday in November. ('15 c. 64 § 1)

Section 2 repeals inconsistent acts, etc. See §§ 150, 158.

[158—]2. **Same—Nineteenth judicial district—Kanabec county**—The general terms of the District Court shall be held in the County of Kanabec in each year at the times herein prescribed as follows:

The general term on the third Tuesday in August. ('17 c. 9 § 1)

Section 3 repeals inconsistent acts, etc. See § 150.

[158—]3. **Same—Grand and petit juries**—In addition thereto general terms of Court shall be held in Kanabec County on the first Tuesday in January, on the fourth Tuesday in March and the third Wednesday in June, for the trial and determination of both criminal and civil cases, but no grand or petit jury shall be drawn or summoned unless the Court shall so direct by a written order made and filed with the Clerk of Court of the County, at least twenty days before the dates herein fixed for holding said Court. ('17 c. 9 § 2)

160. Absence of judge—Who may act—Exceptions—

Where the trial judge has vacated his office, another judge in the same district may hear a motion for a new trial (125-475, 147+654). New Trial, [↔](#)114.

161. Adjourned and special terms—

Cited (132-454, 157+706).

166. [Repealed.]

See § [7971—]1.

The discharge of the whole or part of a jury panel, and the summoning of a new one, rests in the sound discretion of the trial court (124-162, 144+752, Ann. Cas. 1915B, 377). Jury, [↔](#)70(1).

The fact that special veniremen were summoned from only 7 out of 36 towns, cities, and villages in the county, and that 8 were summoned from one village and others from points near to it, is not ground for challenge to the panel; no bad faith, fraud, or oppression being established, and it not appearing that the men selected were not as a class fair-minded jurors (124-162, 144+752, Ann. Cas. 1915B, 377). Jury, [↔](#)70(10).

176. Eleventh judicial district—St. Louis county—General terms—General terms of the District Court for the County of St. Louis, are hereby established to be held in the city of Virginia, in said County on the first Tuesday of April and the fourth Tuesday of August and the first Tuesday of December, in each year, and in the village of Hibbing on the first Tuesday of February and June and the fourth Tuesday of October in each year, and at the city of Ely on the third Tuesday in January and the second Tuesday in August in each year, for the trial of all actions and proceedings, civil and criminal, with the same force and effect as though held at the County seat of said County; and said terms shall be in addition to the general terms of said District Court held at the County seat of said County, as now provided by law. Provided, 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. Provided further, that all other actions involving title to real estate shall be tried at the County Seat of said County, except that by written consent of all parties thereto any such action may be tried at said city of Virginia, or the village of Hibbing or city of Ely. Provided further, that in any action involving the title to real estate if the plaintiff shall in his summons and complaint state that he desires such action tried at the city of Virginia or the village of Hibbing or the city of Ely, such action shall be tried at such city or village, unless the defendant or any one of the defendants in said action shall in his answer demand that said action be tried at the County Seat. Provided further, that no officer having in his custody any of the public records of St. Louis County shall be required to produce any of said records at the trial of any action herein provided for, except at the County Seat, save on an order of said Court providing for the immediate return of any such records to the proper office. Provided further, that such regular terms of Court shall not be held at the village of Hibbing or the city of Ely as aforesaid, unless the said village of Hibbing and said city of Ely shall have previously, without any expenses to the County of St. Louis, provided suitable rooms for the holding of such terms of Court and the accommodation of the Clerk

and a proper place for the confinement of prisoners during such terms. (Amended '15 c. 93 § 1)

Hearings under the Workmen's Compensation Act are to be held at the time and place fixed by the judge, regardless of the time and place of holding the regular terms of court (129-423, 152+838). Master and Servant, 409.

177. Same—Special terms—Special terms of said District Court shall also be held at said city of Virginia at least once in each month and at said 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 heard 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 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 he deems 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. (Amended '15 c. 93 § 2)

Cited (129-423, 152+838).

178. Same—Deputy sheriffs and clerks—There shall be at all times a chief deputy sheriff of said county and a chief deputy clerk of said district court and such other deputies as may be necessary, resident at said city of Virginia and 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 counties.

The salaries of such deputies shall be fixed and paid in the same manner as other such deputies, except that the salary of such chief deputies shall be not more than \$2,000 per year.

But the office of said deputy sheriff and the offices of said deputy clerk at Virginia and Hibbing shall not in any sense be considered or deemed to be the office of the sheriff or the office of the clerk of said court for any purpose, except for the performance of their respective duties, relating solely to proceedings tried or to be tried at said city of Virginia or village of Hibbing, except that marriage licenses and naturalization papers may be issued by said deputy clerk. ('15 c. 371 § 2, amended '17 c. 255 § 2)

See, also, 1915 c. 93 § 3.

179. [Superseded.]

See § [179—]1.

[179—]1. Same—Courthouse—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 said deputies, and a proper place for the confinement and maintenance of the prisoners at the village of Hibbing and the city of Virginia.

And said county shall also reimburse the clerk of said court and his deputies as herein provided for, and the county attorney and his assistants and the district judges of said district and the official court reporter for their traveling expenses actually and necessarily incurred in the performance of their respective official duties. ('15 c. 371 § 1, amended '17 c. 255 § 1)

This section appears to supersede § 179.

180. Same—Grand and petit jurors—Grand and petit jurors for each of said general terms shall be selected, drawn and summoned in the same manner in all respects as for the general terms of said court held at the County Seat of said County, except when in the discretion of the Court, there will be no necessity of drawing a grand jury or petit jury, the Court may enter its order directing that no grand jury or petit jury be summoned for the particular term therein mentioned. (Amended '15 c. 93 § 4)

182. Same—Trial of criminal cases—All persons bound over to the Grand Jury, charged with a criminal offense, by any justice of the peace or municipi-

pal court, shall be tried at the place of holding regular terms of said 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, township or unorganized territory shall be tried at the place of holding the regular term of said district court which is nearest to said city, village, township or place where said offense is committed. Provided that when said offense is committed nearer to Virginia or Hibbing or Ely than to the county seat, the party committing said offense shall be tried at the first term of court to be held at either Virginia or Hibbing or Ely at which a grand jury is in session. Provided further, that when such 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 said city of Ely. (Amended '15 c. 93 § 5)

183. Same—Trial of civil actions—

Hearings under the Workmen's Compensation Act are to be held at the time and place fixed by the judge, regardless of the time and place of holding the regular terms of court (129-423, 152+838): Master and Servant, ~~409~~.

184. Same—Summons—Place of trial, how determined—Any party wishing to have any civil cause commenced by him in said Court, tried in said city of Virginia, shall in the summons 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 civil cause commenced by him in said Court tried at the Village of Hibbing, shall in the summons 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 civil cause commenced by him in said Court tried at the city of Ely, shall in the summons 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 contains any such specifications, the case shall be tried at said city of Virginia or the village of Hibbing or 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 this act, 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 cause 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 of 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.

Nothing in this act contained, however, shall be construed to abridge the power of the court, for cause shown to change the place of trial of any such action or proceeding, civil or criminal. (Amended '15 c. 93 § 6)

129-423, 152+838.

185. Same—Papers, where filed—Judgments, etc.—After the place of trial of any cause is determined, as provided in this act, all papers, orders and documents pertaining to all causes to be tried at Virginia and filed in court shall lie [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.

Provided, that in all actions tried at said city of Virginia or said 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 said 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. (Amended '17 c. 255 § 3)

This section supersedes 1915 c. 93 § 7.

See § [189—]1 providing for six judges.

[189—]1. **Six judges—Powers**—There shall be elected in the eleventh judicial district of said state six judges of the district court of said district, any one or more of whom shall have, and exercise, the powers of the said court, as now prescribed by law relative to the present judges of said court except as otherwise provided by this act, and all laws now in force, whether general or special, as to the qualifications, election, canvass of votes, oath and terms of office, and commencement of such term, compensation, jurisdiction, duties, authority and powers of the present judges of the district court, shall apply to all the judges of said court, and their successors shall be elected, and vacancies in their offices shall be filled, as now provided in relation to the present judges of the said district court.

Provided, however, that the present judges of the said district court shall be judges of the said court for the unexpired terms for which they were elected. ('11 c. 193 § 1, amended '17 c. 484 § 1)

[189—]2. **Same—Appointment**—That immediately upon the passage of this act, the governor of the state shall appoint a competent person to be one of the judges of the said district court, who shall immediately thereafter qualify and enter upon the duties of said office, and shall hold the said office until a successor shall have been elected and qualified, which said successor shall be elected at the first general election that occurs more than thirty days after the passage of this act. ('17 c. 484 § 2)

[201—]1. **Second district—Additional judge**—One judge of the District Court of the Second Judicial District of the State of Minnesota, in addition to the present judges of said court, is hereby authorized, and the office of such additional judge is hereby created. ('15 c. 16 § 1)

[201—]2. **Same—Election**—One incumbent to fill the office hereby created shall be elected at the general election to be held next after the passage of this act. The person so to be elected shall have and possess the qualifications prescribed by law for the other judges of said court. He shall take office on the first Monday in January, 1917, and shall serve for a term of six years. His successor shall be elected as shall then be provided by law for the election of judges of said court. ('15 c. 16 § 2)

[201—]3. **Same—Powers and duties—Compensation**—The incumbent of the office hereby created shall have and exercise all the rights, powers and privileges and shall be subject to the same duties and obligations as are by law granted to or imposed on the other judges of said court. He shall receive the same compensation as such other judges, to be paid in the same manner and at the same time as to the other judges of said court. ('15 c. 16 § 3)

[201—]4. **Same—Appointment—Vacancy**—Within ten days after the passage of this act, the governor of the State of Minnesota shall appoint one suitable and legally qualified person to hold the office of Judge of the District Court of the Second Judicial District hereby created until the election and taking of office by incumbent thereof under the provisions of Section 2 [201—2] of this act. Any vacancy in the office hereby created shall be filled in like manner as is or shall be provided by law for the filling of vacancies in the offices of other Judges of the District Court of said District. ('15 c. 16 § 4)

[201—]5. **Second district—Additional judge**—One judge of the district court of the second judicial district of the state of Minnesota, in addition to the present judges of said court, is hereby authorized, and the office of such additional judge is hereby created. ('17 c. 490 § 1)

[201—]6. **Same—Election**—One incumbent to fill the office hereby created shall be elected at the general election to be held after the passage of this act. The person so to be elected shall have and possess the qualifications prescribed by law for the other judges of said court. He shall take office on the first Monday in January, 1919, and shall serve for a term of six years. His successor shall be elected as shall then be provided by law for the election of judges of said court. ('17 c. 490 § 2)

[201—]7. **Same—Powers and duties—Compensation**—The incumbent of the office hereby created shall have and exercise all the rights, powers and privileges and shall be subject to the same duties and obligations as are by law granted to or imposed on the other judges of said court. He shall receive the same compensation as such other judges, to be paid in the same manner and at the same time as to the other judges of said court. ('17 c. 490 § 3)

[201—]8. **Same—Appointment—Vacancy**—Within ten days after the passage of this act the governor of the state of Minnesota shall appoint one suitable and legally qualified person to hold the office of judge of the district court of the second judicial district hereby created until the election and taking office by incumbent thereof under the provisions of section 2 [201—6] of this act. Any vacancy in the office hereby created shall be filled in like manner as is or shall be provided by law for the filling of vacancies in the offices of other judges of the district court of said district. ('17 c. 490 § 4)

[210—]1. **Fourth district—Additional judge**—One additional judge of the district court of the fourth judicial district of the State of Minnesota, in addition to the present judge of said court are hereby authorized and the offices of such additional judge are hereby created. ('17 c. 494 § 1)

[210—]2. **Same—Election**—The incumbent of the office hereby created shall be elected at the general election to be held next after the passage of this act. The person so to be elected shall have and possess the qualifications prescribed by law for the other judges of said court. He shall take office on the first Monday in January, 1919, and shall serve for a term of six years. His successors shall be elected as shall then be provided by law for the election of judges of said court. ('17 c. 494 § 2)

[210—]3. **Same—Powers and duties—Compensation**—The incumbent of the office hereby created shall have and exercise all the rights, powers and privileges and shall be subject to the same duties and obligations as are by law granted to or imposed on the other judges of said court. He shall receive the same compensation as such other judges, to be paid in the same manner and at the same time as the other judges of said court. ('17 c. 494 § 3)

[210—]4. **Same—Appointment—Vacancy**—Within five days after the passage of this act, the governor of the State of Minnesota shall appoint one suitable and legally qualified person to hold the office of judge of the district court of the fourth judicial district hereby created, until the election and taking of office by the incumbent thereof under the provisions of section 2 of this act. Any vacancy in the office hereby created shall be filled in like manner as shall be provided by law for the filling of vacancies in the offices of the other judges of the district court of said district. ('17 c. 494 § 4)

CLERK

[226—]1. **Transcribing docket entries of judgments in counties having not less than 45,000 nor more than 50,000 inhabitants**—That the clerk of the district court in any county of this state having a population of not less than forty-five thousand nor more than fifty thousand, according to the last United States Census is hereby authorized at the expense of his county, to procure a suitable book, the form thereof to be approved by one of the judges of the

district court of said county for the transcribing therein of the docket entries of all judgments docketed in the office of the clerk of said district court within the last ten years and now remaining unsatisfied of record. ('17 c. 12 § 1)

[226—]2. **Same—County board to authorize—Compensation—**Before procuring said judgment docket and before transcribing or entering any judgments therein, the board of county commissioners of any such county shall first by resolution entered upon their records, authorize the clerk of such district court to procure such judgment docket and direct the entry and docketing of said judgments therein, and shall then and there in such resolution fix the compensation to be paid said clerk therefor. ('17 c. 12 § 2)

[226—]3. **Same—Compensation, how paid—**The compensation of said clerk shall be paid by the county on the presentation of a bill therefor, duly verified in the usual way accompanied by a certificate from one of the judges of the district court of said county that the work of transcribing said judgments in said judgment docket has been duly and properly performed. ('17 c. 12 § 3)

[226—]4. **Same—To what counties not applicable—**This act shall not apply to any county in this state the salary of whose officers is fixed by any special law. ('17 c. 12 § 4)

[226—]5. **Same—When to be completed—**The transcribing of judgments pursuant to the provisions of this act must be completed by the clerk of the district court of any such county not later than the first day of June 1917. ('17 c. 12 § 5)

228. To enter unregistered cases—

130-365, 153+861; note under § 7904.

Notice—A subsequently docketed judgment against the grantor in an absolute deed given to secure a debt, is not constructive notice to a subsequent purchaser from the grantee (123-293, 143+720). Judgment, ~~6~~787.

230. Vacancy—

Cited (131-401, 155+629).

233-235. [Repealed.]

See § [7196—]35.

[235—]1. **Counties having not less than 45,000 and not more than 75,000 inhabitants—Deputy clerk—**That the clerk of the district court in any county of this state now or hereafter having a population of not less than forty-five thousand and not more than seventy-five thousand, and in which the fees or salary of clerks of the district court are not now fixed or regulated by or under a special law are hereby authorized to appoint one deputy clerk of the district court in the manner hereinafter provided. ('15 c. 71 § 1)

Section 4 repeals inconsistent acts, etc.

[235—]2. **Same—Duty of judge—Compensation, powers and duties of deputy clerk—**Whenever the clerk of the district court of such county shall desire the appointment of a deputy clerk pursuant to the provisions of this act he shall make an application in writing to a judge of the district court of his county, setting forth in such application the reasons for the appointment of a deputy and thereupon said judge shall consider and pass upon such application, and if in his opinion and judgment the appointment of a deputy clerk of such county pursuant to the provisions of this act, is reasonably necessary he shall by order authorize the clerk of said district court to appoint one deputy clerk of the court at a yearly compensation to be fixed by said judge in said order, which compensation when so fixed shall be payable in monthly installments out of the county treasury of the county upon warrants issued by the county auditor of such county. Said deputy clerk when so appointed shall possess all the powers and perform all the duties incident to deputy clerks of the district court as the same are now fixed by law. ('15 c. 71 § 2)

[235—]3. **Same—Appointment of other deputies—**This act shall not be construed to prohibit the appointment by the clerk of the district court of such counties of any other deputies he may desire to appoint, but such other

deputies must be paid by him in person out of the fees or salary of his office. ('15 c. 71 § 3)

[239—]1. **Counties having less than 45,000 inhabitants—Deputy clerk hire**—In all counties of the state of Minnesota having a population of less than forty-five thousand (45,000) inhabitants the clerks of the district court of such counties shall be allowed deputy clerk hire to be paid out of the county treasury upon the warrant of the county auditor, the clerk of the district court having first certified to the county auditor that such services have been rendered and are reasonably worth the sum charged, and no allowance for such deputy clerk hire shall be made or received in any case except for services actually rendered: provided that this section shall not apply to any county wherein deputy clerk hire is now fixed by special law. ('17 c. 476 § 1)

[239—]2. **Same—Counties classified**—For the purpose of fixing the amount of deputy clerk hire to be allowed the clerks of the district court the several counties of the state of Minnesota having a population of less than forty-five thousand (45,000) inhabitants are hereby classed as follows:

Such counties having a population of less than seven thousand (7,000) shall be known as class "A"; those counties having a population of seven thousand (7,000) and less than twelve thousand (12,000) shall be known as class "B"; those counties having a population of twelve thousand (12,000) and less than eighteen thousand (18,000) shall be known as class "C"; those counties having a population of eighteen thousand (18,000) and less than thirty thousand (30,000) shall be known as class "D"; those counties having a population of thirty thousand (30,000) and less than forty-five thousand (45,000) inhabitants shall be known as class "E."

The county auditor in determining the population of any county for the purpose of ascertaining the amount of deputy clerk hire to be allowed to the clerk of the district court of such county as herein provided, shall take the census of the year 1910, or any census taken thereafter by the United States or by the state of Minnesota, and add two per cent to the population as shown by the census last taken for each year expiring after the year in which such census was last taken. ('17 c. 476 § 2)

[239—]3. **Same—Clerk hire, how fixed**—The several clerks of the district court shall be allowed an amount of deputy clerk hire for each year, payable from time to time as such services may be rendered and payment therefor be due, from the treasurer of the county out of the revenue fund upon the warrant of the county auditor, as follows: In counties of class "A" the sum of two hundred dollars (\$200.00); in class "B" the sum of three hundred dollars (\$300.00); in class "C" the sum of four hundred dollars (\$400.00); in class "D" the sum of five hundred dollars (\$500.00); in class "E" the sum of six hundred dollars (\$600.00). Provided, that the judge of the district court of any county in the classes herein set out, may by order, a copy of which to be filed with the county auditor, allow the clerk of the district court of the county such additional sums for deputy clerk hire as may under the circumstances arising seem necessary, just and reasonable. ('17 c. 476 § 3)

[239—]4. **Same—Inconsistent acts repealed**—All acts and parts of acts, except those wherein deputy clerk hire for clerks of district court is now fixed by special law, inconsistent herewith are hereby repealed. ('17 c. 476 § 4)

[239—]5. **Counties having not less than 50 and not more than 70 townships and an assessed valuation of not more than \$3,000,000—Salary**—In each county of this state now or hereafter containing not less than fifty congressional townships and not more than seventy congressional townships, and having at any time an assessed valuation of all taxable property, as finally equalized by the state tax commission each year, of not more than three million dollars, the clerk of the district court shall receive an annual salary of twelve hundred dollars, payable in equal monthly installments out of the county treasury, which shall be in full compensation for all services rendered by such clerk for his county. ('17 c. 374 § 1)

[239—]6. **Same—To what counties applicable—**This act shall not apply to any county where the salary of such county official is now fixed by special law. ('17 c. 374 § 2)

STENOGRAPHIC REPORTERS

248. **Phonographic reporters in districts comprising counties having 300,000 inhabitants—**That each judge in any judicial district in this state which comprises, or which may hereafter comprise, a single county of three hundred thousand (300,000) inhabitants or over, may appoint a phonographic reporter, who shall be well skilled in his profession and competent to discharge the duties required, and who shall be a sworn officer of said court, and shall hold his office during the pleasure of said judge so appointing him. The salary of said reporter shall be three thousand (\$3,000.00) dollars per annum, payable in monthly installments by the county treasurer of the county comprised in such judicial district, from any funds in his hands not otherwise appropriated. ('07 c. 186 § 1, amended '15 c. 175 § 1)

[251—]1. **Third judicial district—Traveling expenses—**The official reporter of the district court of the third judicial district of the state shall be paid, in addition to the amounts now provided by law, all sums he shall hereafter pay out as necessary railway, traveling and hotel expenses while absent from his place of residence in the discharge of his official duties.

Such expenses shall be paid by the respective counties for which the same were incurred, upon presentation of a verified and itemized statement of the reporter therefor, duly approved by the judge of said court, to the county auditor, whereupon the auditor shall issue his warrant in payment thereof. ('17 c. 144 § 1)

[251—]2. **Fifth judicial district—Traveling expenses—**The official reporters of the district court of the fifth judicial district of the state 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 their places of residence in the discharge of their official duties.

Such expenses shall be paid by the respective counties for which the same were incurred, upon presentation of a verified and itemized statement of the reporter therefor, duly approved by the judge of said court, to the county auditor, whereupon the auditor shall issue his warrant in payment thereof. ('17 c. 141 § 1)

[251—]3. **Sixth judicial district—Traveling expenses—**The official reporter of the district court of the sixth judicial district of the state shall be paid, in addition to the amounts now provided by law, all sums he shall hereafter pay out for necessary railway, traveling and hotel expenses within said district, while in the discharge of his official duties.

Such expenses shall be paid by the respective counties for which the same were incurred, upon presentation of a verified and itemized statement of the reporter therefor, duly approved by the judge of said court, to the county auditor, whereupon the auditor shall issue his warrant in payment thereof. ('17 c. 147 §. 1)

[251—]4. **Seventh judicial district—Traveling expenses—**The official reporters of the district court of the seventh judicial district of the state 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 the places of residence of the district judge by whom each reporter is appointed in the discharge of their official duties.

Such expenses shall be paid by the respective counties for which the same were incurred, upon presentation of a verified and itemized statement of the reporter therefor, duly approved by the judge of said court, to the county auditor, whereupon the auditor shall issue his warrant in payment thereof. ('17 c. 142 § 1)

[251—]5. **Eighth judicial district—Traveling expenses—**The official reporters of the district court of the eighth judicial district of the state 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 their places of residence in the discharge of their official duties.

Such expenses shall be paid by the respective counties for which the same were incurred, upon presentation of a verified and itemized statement of the reporter therefor, duly approved by the judge of said court, to the county auditor, whereupon the auditor shall issue his warrant in payment thereof. ('17 c. 148, § 1)

[251—]6. **Ninth judicial district—Traveling expenses**—The official reporters of the district court of the ninth judicial district of the state 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 their places of residence in the discharge of their official duties.

Such expenses shall be paid by the respective counties for which the same were incurred, upon presentation of a verified and itemized statement of the reporter therefor, duly approved by the judge of said court, to the county auditor, whereupon the auditor shall issue his warrant in payment thereof. ('17 c. 140, § 1)

[251—]7. **Twelfth judicial district—Traveling expenses**—The official reporters of the district court of the twelfth judicial district of the state 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 their places of residence in the discharge of their official duties.

Such expenses shall be paid by the respective counties for which the same were incurred, upon presentation of a verified and itemized statement of the reporter therefor, duly approved by the judge of said court, to the county auditor, whereupon the auditor shall issue his warrant in payment thereof. ('17 c. 146 § 1)

[251—]8. **Thirteenth judicial district—Traveling expenses**—The official reporters of the district court of the thirteenth judicial district of the state 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 their places of residence in the discharge of their official duties.

Such expenses shall be paid by the respective counties for which the same were incurred, upon presentation of a verified and itemized statement of the reporter therefor, duly approved by the judge of said court, to the county auditor, whereupon the auditor shall issue his warrant in payment thereof. ('17 c. 145 § 1)

[251—]9. **Fourteenth judicial district—Appointment—Salary and expenses**—In the Fourteenth Judicial District of the State of Minnesota each judge may appoint a competent stenographer as reporter of the court to hold office and qualify in the same manner, perform the same duties and receive the same transcript fees as other court reporters under existing laws applicable to judicial districts which do not contain a city of the first class, and the judges of such districts shall fix the salary of each reporter appointed therein at a sum not to exceed twenty-five hundred dollars (\$2500.00) per year and necessary railway, traveling and hotel expenses while absent from their places of residence in the discharge of their official duties, by an order made and filed in the first instance with the respective county auditors of the district so affected within thirty days after the approval of this act, and by subsequent orders made and filed with said county auditors annually on or before the first Monday in January, and all such orders shall apportion the salaries of said reporters among the several counties of said district and require the payment thereof in the same manner as is provided by section 119 of the Revised Laws of the State of Minnesota for the year 1905 as amended by chapter 168, General Laws of 1909 [244]. The expenses of such reporters shall

be paid by the county for which the same were incurred upon presentation of a verified statement of the reporter therefor duly approved by the presiding judge; whereupon the auditor shall issue his warrant in payment thereof. ('17 c. 51 § 1)

[251—]10. Fifteenth judicial district—Appointment—In the Fifteenth Judicial District of the State of Minnesota, each judge may appoint a competent stenographer as reporter of the court to hold office and qualify in the same manner, perform the same duties and receive the same transcript fees as other court reporters under existing laws applicable to judicial districts which do not contain a city of the first class; and the judges of such districts shall fix the salary of each reporter appointed therein at a sum not to exceed three thousand dollars (\$3,000) per year by an order made and filed in the first instance with the respective county auditors of the district so affected on or before May 1st, 1915, and by subsequent orders made and filed with said county auditors annually on or before the first Monday in January, and all such orders shall apportion the salaries of the reporters among the several counties and require the payment thereof in the same manner as is now provided by section 119 of the Revised Laws of the State of Minnesota for the year 1905, as amended by Chapter 168, General Laws of 1909 [244]. ('15 c. 50, § 1)

[251—]11. Sixteenth judicial district—Traveling expenses—The official reporter of the district court of the sixteenth judicial district of the state shall be paid, in addition to the amounts now provided by law, all sums he shall hereafter pay out for necessary railway, traveling and hotel expenses within said district, while in the discharge of his official duties.

Such expenses shall be paid by the respective counties for which the same were incurred, upon presentation of a verified and itemized statement of the reporter therefor, duly approved by the judge of said court, to the county auditor, whereupon the auditor shall issue his warrant in payment thereof. ('17 c. 371 § 1)

[251—]12. Eighteenth judicial district—Traveling expenses—The official reporter of the district court of the eighteenth judicial district of the state shall be paid, in addition to the amounts now provided by law, all sums he shall hereafter pay out as necessary railway, traveling and hotel expenses while absent from his place of residence in the discharge of his official duties.

Such expenses shall be paid by the respective counties in the same proportions as the salary of such reporter is paid, upon presentation of a verified and itemized statement of the reporter therefor, duly approved by the judge of said court, to the county auditor, whereupon the auditor shall issue his warrant in payment thereof. ('17 c. 149 § 1)

[251—]13. Nineteenth judicial district—Appointment—Salary and expenses—In the nineteenth judicial district of the State of Minnesota the judge of the district court may appoint a competent stenographer as reporter of the court to hold office and qualify in the same manner, perform the same duties and receive the same transcript fees as other court reporters under existing laws applicable to judicial districts which do not contain a city of the first class, and the judge of such district shall fix the salary of such reporter appointed therein at a sum not to exceed two thousand dollars, (\$2,000.00) per annum and necessary railway, traveling and hotel expenses while absent from his place of residence in such district in the discharge of his official duties, by an order made and filed in the first instance with the respective county auditors of the district so affected within thirty (30) days after the approval of this act, and by subsequent orders made and filed with said county auditors annually on or before the first Monday in January, and all such orders shall apportion the salary of such reporter among the several counties of said district and require the payment thereof in the same manner as is provided by section 119 of the Revised Laws of the state of Minnesota for the year 1905, as amended by chapter 168, General Laws of 1909 [244]. The expenses of such reporter shall be paid by the county for which the same shall be incurred

upon presentation of a verified statement of the reporter therefor duly approved by the presiding judge; whereupon the auditor shall issue his warrant in payment thereof. (17 c. 143 § 1)

MUNICIPAL COURTS

See 1915 c. 10, establishing a municipal court in the city of Little Falls, subject to the provisions of this chapter; 1915 c. 66, amending "An act establishing a municipal court in the city of Ely" (Sp. Laws 1891 c. 59); 1917 c. 263, providing for an additional judge of the municipal court of the city of Minneapolis and providing for such judge to act as a court of conciliation and small debtors' court.

256. Existing courts confirmed—

What are state courts—The municipal court is a "state court," within Const. art. 6 § 1, respecting the creation of new courts by a two-thirds vote of the Legislature (130-492, 153+953, L. R. A. 1916B, 931). Courts, ↪42(5).

Gen. Laws 1895 c. 229 cited—125-304, 146+1102.

259. New courts, how 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 is the county seat of the county in which it is situated or which has or shall have one thousand (1,000) inhabitants or more, in which city or village no municipal court existed at the time of the taking effect of the Revised Laws of 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 that two judges shall be prescribed for said court, one thereof may be called the municipal judge. (Amended '15 c. 75 § 1)

261. Judges—Election—Term—Salary—

Constitutionality—Holding over term—In view of Const. art. 6 § 9, the office of municipal judge cannot exceed seven years (131-401, 155+629). Judges, ↪7.

1913 c. 102, providing that a municipal court judge, whose term expired April 6, 1915, should hold over until his successor was elected and qualified, was invalid (162+1075). Judges, ↪9.

Const. art. 6 § 9 does not prevent the legislature from extending the term of office of a municipal judge by a provision that he shall hold over until his successor is elected and qualified, provided the extension is a reasonable one, and does not prolong the tenure beyond seven years; but a special act, the necessary effect of which is to permit a holding over beyond the fixed term, without provision for a supervening election within the seven year period, is unconstitutional (131-401, 155+629). Judges, ↪7, 9.

The provision for holding over is not affected by Const. art. 7 § 9, making the first Monday in January the official year (131-401, 155+629). Judges, ↪9.

An incumbent of the office of municipal judge, who is a candidate for re-election, may abandon his statutory right to hold over until his successor is elected and qualified, but mere peaceable surrender of the office to one holding a certificate of election is not an abandonment, where he stands ready and willing to continue in the office (131-401, 155+629). Officers, ↪63.

Where a statute does not provide for a holding over and fixes the term, that term is definite and a vacancy exists upon its expiration. On the other hand, if the statute provides that the incumbent shall continue in the office until his successor is "elected and qualified," the incumbent holds over if his purported successor is not validly elected (131-401, 155+629). Officers, ↪54, 63.

Preferential voting—Preferential system of voting under Duluth charter as applicable to the election of judges of the municipal court, see (130-492, 153+953, L. R. A. 1916B, 931). Judges, ↪2, 3.

De facto officer—Salary—A judge of a municipal court was entitled to the salary of the office during such time as he was in possession and was serving as municipal judge (162+1075). Judges, ↪22(1).

In action to recover salary of a municipal court judge evidence held to sustain a finding that he was in possession of the office and a de facto officer up to May 3, 1915, and during August and the first 13 days of September, but not to show his possession as a de facto officer from May 3d to July 30th (162+1075).

263. Jurisdiction withheld—

The municipal court of the city of Minneapolis has jurisdiction of an agreement to recover possession of leased premises for nonpayment of rent brought under the unlawful detainer statute and is not ousted of such jurisdiction by the fact that the unpaid rent amounts to a larger sum than can be recovered in such court (126-406, 148+565). Courts, ↪188(S).

The title to real estate is not involved in an action, unless the title is disputed and there is a real controversy in regard thereto, and proof that property leased by husband and

3. OFFICE OF SECRETARY OF STATE

See § [297—]2.

4. OFFICE OF STATE AUDITOR

Members of the legislature which enacted 1913 c. 400, are not prohibited by Const. art. 4 § 9 from becoming candidates for state auditor at the ensuing primary election; there being no increase made by that law in the compensation of the office at the time of its enactment (125-104, 145+794). Officers, ~~29~~.

10. OFFICE OF PUBLIC EXAMINER

Public examiner, forty-five hundred dollars; deputy public examiner, three thousand dollars; corporation examiner, thirty-two hundred dollars; first assistant corporation examiner, twenty-four hundred dollars; two assistant corporation examiners, eighteen hundred dollars; four assistant public examiners, twenty-four hundred dollars; one assistant public examiner, twenty-one hundred dollars; four assistant public examiners, eighteen hundred dollars; executive clerk, fifteen hundred dollars; clerk, fifteen hundred dollars; stenographer and clerk, fifteen hundred dollars; two assistants to examiners, twelve hundred dollars; one stenographer, nine hundred dollars, one typist, six hundred dollars. ('13 c. 400 subd. 10, amended '15 c. 176; '17 c. 487 § 1)

12. OFFICE OF STATE TREASURER

State treasurer, forty-five hundred dollars; deputy state treasurer, twenty-seven hundred dollars; accountant, twenty-one hundred dollars; cashier, twenty-one hundred dollars; investment clerk, eighteen hundred dollars; check clerk, eighteen hundred dollars, stenographers and general clerks, such sum as the treasurer shall prescribe, not exceeding in all forty-seven hundred dollars. (Subdivision 10, amended '17 c. 150 § 1)

15. OFFICE OF GAME AND FISH COMMISSION

Cited (126-110, 147+946).

16. OFFICE OF DAIRY AND FOOD COMMISSIONER

The dairy and food commissioner shall receive a salary of three thousand dollars (\$3,000.00) per annum, and shall be allowed the expenses necessarily incurred by him in the discharge of his duties. He may appoint an assistant commissioner at a salary of two thousand dollars (\$2,000.00) per annum; a secretary at a salary of eighteen hundred dollars (\$1,800.00) per annum; one chemist at a salary of twenty-six hundred dollars (\$2,600.00) per annum; three assistant chemists, not to exceed twelve hundred dollars (\$1,200.00) each; one clerk, not to exceed eleven hundred and forty dollars (\$1,140.00); one clerk, not to exceed ten hundred and twenty dollars (\$1,020.00); three clerks, not to exceed nine hundred and sixty dollars (\$960.00) each; two stenographers, not to exceed ten hundred and eighty dollars (\$1,080.00) each; three inspectors, not to exceed nine hundred dollars (\$900.00) each; six inspectors, not to exceed twelve hundred dollars (\$1,200.00) each; eight inspectors, not to exceed fifteen hundred dollars (\$1,500.00) each; three inspectors, not to exceed eighteen hundred dollars (\$1,800.00) each, one of whom shall be the food inspector in charge of canneries. The expenses necessarily incurred by such subordinates shall be allowed and paid in addition to salary. He may employ necessary legal counsel. The expense properly incurred by him and his appointees shall be paid by warrants of the state auditor upon itemized accounts thereof approved by him or his assistant. The total expenses of the office, including salaries and compensation of all employes, shall not exceed in any fiscal year the appropriation made therefor. The provisions of this section shall not be construed in any way to repeal the provisions of Chapter 300 of the Laws of 1905 [3635-3639]. ('13 c. 400 § 1 subd. 16, amended '15 c. 247 § 1)

[297—]1. Deputy clerk of supreme court—Assistant—Salaries—The salary of the deputy clerk of the supreme court shall be two thousand five hundred dollars (\$2,500.00) per annum. The clerk of the supreme court is hereby

authorized to appoint an additional assistant in his office at a salary not to exceed nine hundred dollars (\$900.00) per annum. ('15 c. 163 § 1)

[297—]2. **Custodian of public documents—Salary**—The yearly salary of the custodian of public documents in the office of the secretary of state, shall be fifteen hundred (1500) dollars, per annum. ('15 c. 162 § 1)

CHAPTER 6

ELECTIONS

298. **General, when held—What officers chosen—Presidential electors—**

1915 c. 168, amending §§ 809, 810, post, providing that clerks of the district court elected in 1912 shall hold over to January, 1919, and that their successors shall be elected in November, 1918, held violative of Const. art. 6 § 13, and art. 7 § 9 (132-426, 157+652). Clerks of Courts, ⇨7.

300. **Term of office, when it begins—**

Cited (132-426, 157+652), holding that 1915 c. 168, amending §§ 809, 810, post, by providing that clerks of the district court elected in 1912 should hold over until January, 1919, and that their successors should be elected in November, 1918, was violative of Const. art. 6 § 13, and art. 7 § 9. Clerks of Courts, ⇨7.

305. **Special elections, when and how called and conducted**—Whenever any vacancy occurs in any office, the filling of which is not otherwise provided for, the governor, within ten days after he is informed of such vacancy, shall issue a proclamation directing a special election to be held, at a time therein specified not more than twenty days from the date thereof, to fill such office. One copy of such proclamation shall be mailed to the auditor of each county wherein such special election is to be held. But if the vacancy occurs in the office of representative in congress, or member of the legislature, and there be no session of the congress or legislature between the happening thereof and the next general election the vacancy shall be filled at such general election. Such special election shall be called, held and conducted, and the returns thereof made and canvassed in the same manner as in the case of general elections; and within fifteen days thereafter the auditor shall transmit a statement of the vote cast thereat to the secretary of state. (Amended '15 c. 167 § 1)

Section 17 repeals §§ 392, 516, 517, 518 G. S. 1913.

Section 18 repeals inconsistent acts, etc.

307. **Same—Candidates, how nominated, etc.**—That whenever a special election shall be ordered in any city of this state, having a population of more than ten thousand inhabitants and less than twenty thousand inhabitants, to fill any vacancy in the offices of such city, and the charter of such city shall require such special election to be ordered and held within ten days after such vacancies shall occur, candidates for election at such special election shall not be required to be nominated at a primary election. Candidates for election at such special election may be nominated by delegate conventions called and held in accordance with the laws of this state, relative to the nomination by conventions held to nominate candidates for election at a special election. Candidates for election at such special election may also be nominated by certificates in the manner provided by law relating to nominations by petition or certificates of voters. Provided, however, that all certificates of nomination of candidates for election at such special elections shall be filed with, and the nomination fee fixed by law paid to the city clerk of such city on or prior to the third day before the day appointed for holding such special election.

Whenever a special election shall be ordered in any city of the first class in this State not operating under a home rule charter, to fill any vacancy in the offices of such city, and the charter of such city shall not require such special election to be ordered and held within ten (10) days after such vacancy shall occur, candidates for election at such special election shall be