

**GENERAL STATUTES**  
*of*  
**MINNESOTA**  
**1923**

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ploye to receive additional compensation for the performance of his official services out of the contingent fund of said officer or said department, and it shall be unlawful for the head of any department of the state government to direct the payment of such additional compensation out of the contingent fund, and the state auditor is hereby prohibited from issuing his warrant

upon such contingent fund in payment of such additional compensation. ('09 c. 395 § 1) [116]

128. Same — Penalty — Every person offending against the provisions of this act shall be guilty of a misdemeanor and punished by a fine of not exceeding \$100.00 or imprisonment in the county jail for not exceeding ninety days. ('09, c. 395 § 2) [117]

CHAPTER 5

JUDICIAL DEPARTMENT

SUPREME COURT

129. Justices—Terms—The supreme court shall consist of one chief justice and four associate justices, who shall hold one term of court each year, at the seat of government, commencing on the first Tuesday after the first Monday in January, with such continuations or adjournments thereof during the year as may be necessary for the dispatch of the business coming before the court. When the chief justice of said court shall be absent from the state, or shall be, for any reason, incapacitated from acting as such, the associate justice present within the state and not incapacitated who shall have served the longest time, or when there are two or more associate justices of equal terms of service, then the associate justice, whom the chief justice shall designate as senior associate justice as such, shall have and exercise all the powers, duties and functions of the chief justice during his absence or incapacity and shall be, during such absence or incapacity, the presiding justice of said court. ('05 § 69, G. S. '13 § 118, amended '19 c. 96 § 1.)

130. Special terms—Special terms may be held whenever the court shall so direct, but three weeks' published notice of the order appointing the same shall be given at the seat of government. Any term may be continued from time to time by orders announced in court and entered in the minutes. Any three justices may hold the court and exercise its powers. Unless three shall attend at the time for opening court, those present, or, if all be absent, the clerk, shall adjourn the court until the following day; but, if three justices be absent for six consecutive days, the court shall stand adjourned without day. (70) [119]

131. Pending cases continued—Whenever a term is adjourned, or there is a failure for any reason to hold a term at the appointed time, all causes then on the calendar, and all writs, recognizances, appeals, and proceedings taken or made returnable to the court at such term, shall stand over to, and be heard at, the general or special term next ensuing, as if no such adjournment or failure had occurred. (71) [120]

132. Writs—Process—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 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. ('05 § 72, G. S. '13 § 121, amended '17 c. 403 § 1)

Power to issue writ of certiorari (13-508, 468; 86-301, 303, 90+772; 44-244, 46+349; 103-485, 115+647, 125-427, 147+820; 127-161, 149+111; 128-154, 150+383; 134-206, 158+977; 142-113; 171+263; 146-131, 178+167; to issue writ of mandamus (28-40, 8+899; 99-313, 109+404); to issue writ of quo warranto (27-38, 6+408; 40-213, 41+1020; 48-497, 51+613; 58-275, 277, 59+1015; 69-108, 112, 71+910; 96-255, 104+948. See 189+709 as to injunction.

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227nw 180  
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133. Power—Rules—The Supreme court shall have all the authority necessary for carrying into execution its judgments and determinations, and for the exercise of its jurisdiction as the supreme judicial tribunal of the state, agreeable to the usages and principles of law. Such court shall prescribe and from time to time may amend and modify, rules of practice therein and also rules governing the examination and admission to practice of attorneys at law and rules governing their conduct in the practice of their profession and rules concerning the presentation, hearing and determination of accusations against attorneys at law not inconsistent with law, and may provide for the publication thereof at the cost of the state. ('05 § 73, amended '21 c. 297 § 1) [122]

134. Decisions—In all cases decided by the court, it shall give its decision in writing, and file the same with the clerk, together with headnotes, briefly stating the points decided. A copy of such headnotes shall be furnished by the clerk, without charge, to such proprietors of daily newspapers as may desire them for free publication. Decisions may be rendered and judgments entered thereon in vacation as well as in term. (74) [123]

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25 — 117  
154-M 240  
157-M 87  
189-NW 709  
191-NW 609  
195-NW 794  
23-C.S. 5685

COMMISSIONERS

135. Appointment—The supreme court of the state, upon the taking effect of this act, is hereby authorized and directed to appoint two persons as commissioners of the supreme court, each of whom shall possess the same qualifications, and take a like oath as justices of the supreme court. Such appointment shall be for six years from the date thereof. They shall each receive the same compensation as a justice of the supreme court, and payable in the same manner; and during their appointment shall not engage in the practice of law. All vacancies shall be filled in the same manner as the original appointment. ('13 c. 62 § 1) [124]

136. Duties—It shall be the duty of said commissioners, under such rules and regulations as the supreme court may adopt, to aid and assist said court in the performance of its duties, in the disposition of causes now pending before it, or which shall hereafter be brought into it during the term of office of such commissioners. During his term of office each commissioner shall be provided with an office at the state

capitol, suitably furnished, be supplied with stationery, and may appoint a stenographer who shall receive the same compensation, and to be paid in the same manner as stenographers of the justices of the supreme court are now, or may hereafter be appointed and paid. ('13 c. 62 § 2) [125]

137. **Term**—Upon the increase, in the manner provided by law, of the number of associate justices of the supreme court to six, and the appointment and qualification of such additional associate justices, the term of the supreme court commissioners then in office shall terminate, and the office of supreme court commissioners hereby created, shall without further act be abolished. ('13 c. 62 § 3 [126])

#### CLERK

138. **Bond—Assistants**—The clerk of the supreme court shall give bond to the state in the sum of one thousand dollars, to be approved by the governor, conditioned for the faithful discharge of his official duties. He may employ, from time to time, necessary stenographic and other clerical office help for whose compensation legislative appropriation shall have been made. The justices of the supreme court may appoint a deputy clerk for the discharge of the duties of the office in the absence of the clerk or his inability to act, and such other duties as shall be assigned to him by the clerk or the court. The deputy so appointed shall take the usual oath of office and give bond to the state in the sum of one thousand dollars, to be approved by the court, and conditioned for the faithful discharge of his duties. He shall serve during the pleasure of the court. ('05 § 75, G. S. '13 § 127, amended '21 c. 46 § 1) [127]

139. **Records**—The clerk shall keep such dockets, journals, and other records, and perform such duties appropriate to his office, as the supreme court may by its rules prescribe. And he shall provide at the cost of the state all books, stationery, furniture, postage, and supplies necessary for the proper transaction of the business of the court. (76) [128]

#### MARSHAL

140. **Appointment, duties**—A marshal of the supreme court may be appointed by the justices thereof to act during their pleasure. His qualifications, duties, and powers shall be such as the court may prescribe conformably to the laws. (77) [129]

#### STATE LIBRARY

141. **Justices to govern library**—The state library, as now constituted, with all future additions thereto, shall be maintained in the capitol under the supervision of the justices of the supreme court. They shall direct such purchases of books, pamphlets, and documents therefor, and such sales and exchanges therefrom, as they may deem best. They shall also adopt rules for the government of the library and the management of its affairs, and prescribe penalties for their violation, which rules shall be conspicuously posted in the library rooms. (78) [130]

142. **Librarian**—The official term of the state librarian appointed by the governor shall be two years and until his successor qualifies. He shall give bond to the state in at least two thousand dollars, to be approved by the governor, conditioned for the faithful performance of his official duties. He may appoint an assistant librarian to serve during his term, who shall perform his duties when he is absent or disabled, but such appointment shall not take effect until approved by the justices. He may also employ, from time to time, with the approval of the justices, such clerical

and other assistants as may be necessary, and for whose compensation provision shall have been made by law. (79) [131]

143. **Duties**—The librarian shall have charge of the library rooms and property, and attend, under the direction of the justices, to all purchases, exchanges, and sales; and the public printer shall forward such public documents of the state as the librarian may desire to send to designated institutions and officials of other states for purposes of exchange. He shall obey and enforce the rules prescribed for the government of the library and its affairs, and collect, by action in his name, if necessary, all damages from injury to or retention of library property, and all fines imposed for violation of the rules. (80) [132]

144. **Records**—He shall keep a detailed chronological record of all purchases, exchanges, and sales, and of all additions to the library by gift, purchase, or exchange, respectively; also a like account of all amounts collected as damages, fines, or from other sources, and of all expenditures made. Such records and accounts shall be open to public inspection, and be transferred to his successor. All moneys collected shall be paid into the treasury, and added to the library appropriation for the current year. (81) [133]

145. **Public documents**—All official publications of the United States, and of other states and countries, which are received for the use of this state by any officer thereof, shall be deposited in the state library forthwith; and two copies of each official book or pamphlet issued by the state shall be preserved therein. (82) [134]

See State Historical Society Laws '19 c. 170.

#### JANITOR

146. **Appointment and duties**—The justices may appoint, and at pleasure remove, a janitor, who shall have the care of the courtroom, the rooms of the clerk and justices of the court, and of the state library, and shall perform such other duties as the justices may require. (83) [135]

#### REPORTER

147. **Bond—Files**—The reporter of its decisions, appointed by the supreme court, shall give bond to the state in the sum of five hundred dollars, to be approved by the governor, conditioned for the faithful discharge of his duties. He shall be entitled to the possession, for a reasonable time, of the files of the court in all cases decided. (84) [136]

148. **Cases—Citations**—He shall accurately report all such cases, noting concisely the points decided, with a statement of the facts as shown by the record, unless the same are fully stated in the opinion; the names of counsel, with the points made and authorities cited, as fully as he deems necessary; and the opinions rendered by the justices. All references in such opinions to former decisions of the court which have been published in "The Northwestern Reporter" shall also cite the volume and page of such reporter where the same appear; and, if the opinion reported has been published in said reporter, the volume and page of such publication shall be cited. (85) [137]

149. **Copy—Copyright**—Within ninety days after the filing of a sufficient number of decisions to make a printed volume of six hundred pages, and sooner if practicable, the reporter shall deliver the manuscript of his report of such cases to the contractor for the publication thereof. As soon as the same is put in type, he shall read and correct the printer's proof, and furnish to the contractor an index, a table of cases, and other matter necessary to complete the volume. He shall have no pecuniary interest in such reports,

which shall be copyrighted by the secretary of state in trust for the people. (86) [138]

## MINNESOTA REPORTS

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150. **Volume—Time**—Each volume shall contain at least six hundred pages of four and one-half inches in width, and be printed and bound in style and quality to be approved by the justices of the court, and at least equal to the best of those heretofore published. Each volume shall be furnished ready for use within sixty days after the final manuscript therefor shall have been delivered to the contractor, but the time during which the reporter may retain the proofs for revision shall be excluded from the count. (87) [139]

151. **New contract**—The publication and sale of such reports shall be conducted under the contract now in force, made pursuant to Laws 1903, c. 129; and when said contract is fully performed or is otherwise terminated, the secretary of state, unless other provision be made by law, shall proceed under said chapter to make a new contract for the six years next ensuing. (88) [140]

152. **Present 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 1, 1921, said contract to be awarded to the lowest responsible bidder whose bid shall not exceed \$2.75 per volume at its office in St. Paul and shall not exceed \$3.10 per volume when delivered elsewhere in the state of Minnesota, 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 volume, 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, 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 the party to whom the contract shall be awarded delivers copies of said report to the secretary of state, he shall also deliver, free of charge, a true and correct paper matrix of said report, to be preserved by said secretary of state as a 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, being obligated to sell not more than one copy to any one person for the price agreed upon in said contract, and when delivered elsewhere in the state, not to exceed the sum of \$3.10 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.

Fifth. That within forty (40) days after the reporter shall have delivered to the contractor enough copy to fill two hundred (200) pages, and within thirty-five (35) days after the reporter shall have delivered to the contractor copy of the index of any volume or of the tables of cases in any volume, the contractor shall deliver to the reporter page proof of the copy so delivered, provided, however, that any reasonable delay in the delivery of page proof, caused by the elements or strikes, shall not be deemed or computed a part of said time; in case of any dispute between the reporter and said party of the second part, as to the construction of this paragraph, or as to the computation of time, the decision of the chief justice for the time being shall be final.

Sixth. That copy furnished by the reporter shall be definite and legible, and the contractor shall furnish the reporter such reasonable number of galley, page and plate proof as may be necessary for use in the reporter's office.

Seventh. That in case said contractor shall fail to comply with the terms of this contract, for sixty (60) days after written notice from the secretary of state of its default herein, that then, and in such case the secretary of state, with the consent and approval of the chief justice for the time being, may cause the work remaining uncompleted under this contract, to be done by other persons, and the expense thereof, over and above the amount agreed upon to be paid per volume shall be payable by the contractor to the said party of the first part. ('21 c. 509 § 1).

153. **Distribution of copies**—From the volumes purchased by the state under such contract, the secretary of state shall furnish copies as follows:

1. One to each judge of the district, probate, and municipal courts of the state, and to each justice of the supreme court.

2. Three to the attorney general.

3. One to each clerk of the district court. All of the foregoing to remain the property of the state, and be delivered to the successors in office of the officials named.

4. Three to the clerk of the United States circuit court of appeals for the eighth circuit, one to be kept for the use of the judges at each of its places of meeting.

5. One hundred to the state university, to be used in exchanges or otherwise for the benefit of its law library.

6. To the state library, as many as the justices of the supreme court shall deem necessary for like purposes.

The copies so furnished to clerks of the district court, when not in use during sessions of the court, shall be kept in their respective offices for the use of officials and citizens of the county, and shall not be taken therefrom. The copies not disposed of hereunder shall remain in the custody of the secretary of state. (89) [142] See Laws 1917 c. 407 § 3.

## DISTRICT COURT

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Sec 9283

154. **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. (90) [143]

District courts have original jurisdiction of civil actions regardless of the amount in controversy (6-110, 53; 6-503, 350; 7-398, 316; 10-215, 173); and of criminal actions regardless of the punishment (26-148, 1+1054; 36-234, 30+764; 69-499, 72+832). They have original jurisdiction in equity (2-31, 21) and appellate jurisdiction in probate proceedings (72-165, 166, 75+123).

155. Boundaries—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. (91) [144]

60-503, 505, 63+100.

156. 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. (92) [145]

50-264, 266, 52+862; 66-213, 215, 68+976; 71-16, 73+521; 72-165, 75+123; 96-255, 104+948; 98-89, 107+730; 106-197, 118+1014; 107-441, 120+894; 124-10, 144+415; 125-404, 144+423.

157. 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 indorsed 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. (93) [146]

16-426, 383; 20-196, 175; 22-189, 192; 40-65, 70, 41+459; 91-352, 357, 98+188; 124-457, 145+167.

158. Judge may act in another district—Whenever in the judgment of the governor, or 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, the governor may designate, or 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. And thereupon such judge of the district court, or any other judicial district so designated or 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. And by consent of the parties any judge of said court may act in all matters brought before him from another judicial district. In either case 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. § 94, amended '07 c. 157 § 1) [147]

76-391, 392, 79+397.

159. 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 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. (95) [148]

160. 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. '05 § 96, G. S. '13 § 149, amended '15 c. 88 § 1)

55-58, 56+350.

161. 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 Sunday, for the transaction of such business as may be presented, including the issuance of writs and process, 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, 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 may also, by order filed with the clerk, appoint special terms in any county of the district for the hearing of matters of law. ('23 c. 412 § 1)

162. Times for holding general terms—The general terms of the district court shall be held in the several counties in each year at the times herein prescribed as follows:

First Judicial District

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

In Dakota County—The fourth Monday in January and the first Monday in May and the second Monday in November each year. ('11 c. 6 § 1, amended '15 c. 327 § 1; '21 c. 199 § 1)

Second Judicial District

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

Third Judicial District

Olmsted County: On the third Monday in February, the first Monday in June and the third Monday in October.

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

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156-M 99  
194-NW 402  
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165-M 349  
206-NW 457

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

No Grand Jury shall be drawn or summoned for any of the said terms of Court, except upon the direction of the presiding Judge thereof. ('17 c. 2 § 1, amended '21 c. 103 § 1; '23 c. 14 §§ 1, 2)

Fourth Judicial District

Hennepin County: Second Monday of September, effective after September 1, 1909.

Fifth Judicial District

In Dodge county, the first Monday in April and the first Monday in October.

In Rice county, the first Monday in May and the second Monday in November.

In Steele county, the first Monday in June and the first Monday in December.

In Waseca county, the third Monday in March and the third Monday in October.

Provided, however, that where any general term in said Waseca county has been or shall hereafter be adjourned for a period of more than thirty (30) days, and issues of fact in any action are joined more than eight (8) 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 (8) days or more before the beginning of said adjourned term. ('13 c. 326 § 1)

Sixth Judicial District

Blue Earth county: First Tuesday in February and June; second Wednesday in November.

Watonwan county: First Tuesday in May and October.

Seventh Judicial District

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)

Eighth Judicial District

In Carver County, on the second Monday in March and on the second Monday in October.

In Le Sueur County, on the Third Monday in February and on the third Monday in September.

In McLeod County, on the second Monday in May and the second Monday in November.

In Scott County, on the first Monday in April and the fourth Monday in October.

In Sibley County, on the first Monday in June and the first Monday in December. ('21 c. 73 § 1; amended '23 c. 249)

Ninth Judicial District

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)

Tenth Judicial District

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 March and the third Monday in October. ('17 c. 367 § 1; amended '19 c. 29)

Eleventh Judicial District

Carlton County, second Tuesday in February, first Tuesday in June, third Tuesday in October.

St. Louis County, first Wednesday in January, March, May, September and November.

Lake County, first Wednesday in June and December.

Cook County, third Monday in June. ('13 c. 522 § 1) [Special provisions as to places for holding court, see §§ 164 et. seq.]

Twelfth Judicial District

Chippewa County, first Monday in June; fourth Monday in November.

Kandiyohi County, third Monday in March; first Monday in October.

Meeker County, second Monday in June; first Monday in December.

Renville County, second Monday in May; second Monday in November.

Swift County, third Monday in May; second Monday in November.

Yellow Medicine County, second Tuesday in January; third Tuesday in June.

Lac qui Parle County, first Tuesday in May; second Tuesday in December. ('23 c. 290 § 1)

Thirteenth Judicial District

Cottonwood County, first Monday in June; second Monday in November.

Murray County, first Tuesday in May; first Tuesday in December.

Nobles County, third Monday in February; third Monday in October.

Pipestone County, second Tuesday in January; third Tuesday in May.

Rock County, third Monday in March; last Monday in September. ('13 c. 52 § 1; amended '21 c. 57 § 1)

Fourteenth Judicial District

Kittson County, third Monday in June; second Monday in December.

Marshall County, fourth Monday in May; fourth Monday in November.

Norman County, second Monday in May; second Monday in November.

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31 117  
33 1627 28  
33 108

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33 16212 11  
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33 16214 51

Pennington County, fourth Tuesday in June; first Tuesday in February.

Mahnomen County, first Tuesday in March.

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

Red Lake County, fourth Monday in March; third Monday in November.

Roseau County, third Monday in May; fourth Monday in October. ('15 c. 43 § 1, amended '17 c. 67 § 1; '21 c. 135 § 1)

**Fifteenth Judicial District.**

Aitkin County, third Tuesday in February; second Tuesday in September.

Beltrami County, second Tuesday in February; second Tuesday in September.

Cass County, third Tuesday in June; second Tuesday in December.

Clearwater County, second Tuesday in April; first Tuesday in October.

Crow Wing County, first Tuesday in May; first Tuesday in November.

Hubbard County, first Tuesday in June; first Tuesday in December.

Itasca County, third Tuesday in March; third Tuesday in October.

Koochiching County, first Tuesday in May; first Tuesday in October.

Lake of the Woods County, second Tuesday in June; first Tuesday in December. ('21 c. 143 § 1; amended '23 c. 222 § 2)

**Sixteenth Judicial District**

Stevens County, first Monday in March; first Monday in October.

Big Stone County, third Monday in March; second Monday in October.

Traverse County, first Monday in May; second Monday in November.

Grant County, first Monday in June; fourth Monday in October.

Wilkin County, third Monday in May; second Monday in December.

Pope County, second Monday in June; fourth Monday in November. ('13 c. 263, superseded '15 c. 64 § 1)

**Seventeenth Judicial District**

Martin County, second Monday in March; second Monday in October.

Faribault County, first Monday in April; second Monday in November.

Jackson County, third Monday in May; first Monday in December. ('21 c. 174 § 1)

**Eighteenth Judicial District**

Anoka County, third Monday in March; second Monday in October.

Wright County, first Monday in June and December.

Sherburne County, second Monday in May and November.

The general terms of the district court shall be held in the county of Isanti in each year at the times herein prescribed as follows:

The general terms on the third Monday in February and the fourth Monday in September. ('19 c. 88 § 1)

**Nineteenth Judicial District**

Washington County, second Monday in May; fourth Monday in November.

Chisago County, fourth Tuesday in April; first Monday in October.

Pine County, first Monday in April; fourth Tuesday in October. ('19 c. 70, amended '23 c. 56 § 1)

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. 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, 3)

(R. L. § 97 amended '09 c. 244 § 1 with all later amendments and modifications indicated in the text.)

No jurisdiction to convene for trial of actions or proceedings involving fact issues at any place in the county other than the county seat, except by consent or express statute. (98-109, 107+547)

**163. Special terms in Washington county**—That 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 and fourth Mondays of each month for the trial of issues of fact by the court, the trial of issues of law, the hearing of motions and applications, and all matters except the trial of issues of fact by a jury. ('09 c. 21 § 1) [162] Cited (98-109, 107+547)

**164. Eleventh Judicial District—St. Louis County**—In addition to the general terms of the district court held at the county seat of St. Louis county as now provided by law, 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 in April, on the first Tuesday in September, and on the first Tuesday in December, in each year, and in the village of Hibbing, in said county, on the first Tuesday in February, on the first Tuesday in June, and on the fourth Tuesday in October in each year, and at the city of Ely, in said county, on the second Tuesday in January and on the second Tuesday in July in each year, for the trial, hearing and determination of all actions civil and criminal; 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 and 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 held and determined at the county seat of said county.

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 to determine title to real estate shall be tried at the county seat of said county, except that by written consent of all the parties thereto any such action may be tried at the said city of Virginia or village of Hibbing, or city of Ely.

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, save on an order of said court providing for the immediate return of any such records to the proper office. ('09 c. 126, amended '11 c. 368 § 1; '15 c. 93 § 1; '21 c. 302 § 1) [176] 129-424, 152+838.

**165. 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. ('09 c. 126, amended '11 c. 368 § 1; '15 c. 93 § 2) [177]

129-424, 152+838.

166. Same—Deputy sheriff and clerk—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, or said 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 counties. The salaries of such deputies shall be fixed and paid in the same manner as other such deputies. But the offices of said deputy sheriff and the offices of said deputy clerk at Virginia and Hibbing and Ely 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 said city of Ely or village of Hibbing, except that marriage licenses and naturalization papers may be issued by said deputy clerk. ('09 c. 126, amended '11 c. 368 § 1; amended '15 c. 93; '15 c. 371; '17 c. 225; '21 c. 284 § 1) [178]

167. 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. ('09 c. 126, amended '11 c. 368 § 1; '15 c. 371 § 1; '17 c. 255 § 1) [179]

168. Same—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. ('09 c. 126, amended '11 c. 368 § 1; amended, '15 c. 93) [180]

169. Same—Appeals from municipal courts and justices—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 said district court which is nearest to the court appealed from, by the usual routes of travel.

Provided, that by consent of the parties any such

appeal may be tried at any other place in the county where regular terms of said district court are held. ('09 c. 126, amended '11 c. 368 § 1) [181]

113-425, 129+780.

170. 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 municipal 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. ('09 c. 126, amended '11 c. 368 § 1; '15 c. 93 § 5) [182]

171. Same—Trial of actions—All civil actions brought in the district court of said county against any person or persons, firm or corporation residing in said county, shall be tried, heard and determined at the place of holding regular or adjourned terms of said district court which is nearest, by the usual route of travel, to the residence of said defendant or defendants, or the majority thereof, unless the place of trial shall be waived by the said defendant or defendants; and for the purpose of determining the place of residence of domestic corporations, (a corporation,) 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. ('09 c. 126, amended, '11 c. 368 § 1; '21 c. 302 § 2) [183]

128-227, 150+925; 129-424, 152+839.

172. Same—Summons—Place of trial—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 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.

Provided, that the venue of any such action may be changed from any one of said 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.
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 sub-divisions 2, 3, or 4, shall be made by motion which shall be returnable and heard at the place of commencement of the action. ('09 c. 126, amended '11 c. 368 § 1; '15 c. 93; '21 c. 302 § 6) [184]

128-227, 150+925; 129-424, 152+839.

**173. Same—Papers where filed—**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 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. ('09 c. 126, amended '11 c. 368 § 1; '15 c. 93; '17 c. 255 § 3) [185]

**174. Same—Rules, etc.—**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 this act. ('09 c. 126, amended '11 c. 368 § 1) [186]

**175. Same—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 said business by rules or otherwise; and each of said judges may separately try court or jury cases during the same term, or at the same time.

And 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 chapter 285 of the General Laws of 1905 [7162-7175] and all cases affecting dependent, neglected and delinquent children under the law; and all authority of said 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 said act.

That 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 or her services, including those of deputy clerk, the sum of one hundred and twenty-five (\$125.00) dollars per month. ('11 c. 368 § 14, amended '13 c. 171 § 1) [189]

**176. Terms—In new counties—**Whenever 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 in such district, shall fix the time of holding terms in such county; but such order shall not take effect until thirty (30) days after the filing thereof with the secretary of state, nor to be altered except as thereafter provided by law. The secretary of state 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. ('09 c. 244 § 2) [159]

**177. Absence of judge—Who may act—**Whenever 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. (98) [160]

75-289, 77+960; 125-475, 147+654.

**178. 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. (99) [161]

61-73, 76, 63+171, 28 L. R. A. 324; 64-394, 67+216; 74-448, 451, 77+206; 132-458, 157+706.

**179. 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 4 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

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day certain, in which case the jurors, if any, shall attend on such day without further notice. (100) [163]

**180. Failure to hold term, etc., not to affect writs, etc.**—Whenever 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. And 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. (101) [164]

74-345, 351, 77+214.

**181. Temporary courthouses—Terms for naturalization**—Whenever the courthouse or place provided for holding court in any county is destroyed or becomes unsafe or unfit for the purpose, or if no courthouse be provided, the judges may designate a convenient place at the county seat for temporary use as such. And they 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. (102) [165]

**182. 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 said state longest in continuous service to revise the general rules of practice in such courts, for which purpose any eighteen 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. '05 §104; G. S. '13 §167, amended '19 c. 33)

71-511, 74+283.

**183. Several judges—Division of business, etc.**—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. (105) [168]

**184. Terms to be held in certain cities and villages—Order and 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 fifty miles or more by the usual traveled route by rail from the county seat of the county in which said 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 thirty days before the time appointed to hold said court. Such 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 said 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 publication shall be had not less than ten nor more than twenty 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 issues of fact by a jury, may be brought on for hearing, trial and determination. ('07 c. 414 § 1) [169]

**185. Same—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 fifty 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 fifteen 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. ('07 c. 414 § 2) [170]

**186. Same—Court room, how 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. ('07 c. 414 § 3) [171]

**187. Same—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. ('07 c. 414 § 4) [172]

**188. Same—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. ('07 c. 414 § 5) [173]

**189. Same—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. ('07 c. 414 § 6) [174]

**190. Same—Traveling 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 this act, 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 said terms of court, not otherwise provided by law. Provided, that nothing in this act shall prevent the change of venue of the trial of civil actions as otherwise provided by law. ('07 c. 414 § 7) [175]

CLERK

191. **Election—Bond—Duties**—There shall be elected in each county a clerk of the district court, who, before entering upon the duties of his office, shall give bond to the county, to be approved by the county board, in a penal sum not less than one thousand dollars nor more than ten thousand dollars, conditioned for the faithful discharge of his official duties: Provided, that, in counties having a population of more than two hundred thousand, the amount of such bond shall be twenty-five thousand dollars, which bond, with his oath of office, shall be filed for record with the register of deeds. Such clerk shall perform all duties assigned him by law and by the rules of the court. He shall not practice as an attorney in the court of which he is clerk. (106) [219]

Liability on bond (86-188, 90+371, cited 98-109, 107+547)

192. **Money paid into court—Fees**—Where money is paid into court to abide the result of any legal proceedings, the judge, by order, may cause the same to be deposited in some duly incorporated bank, to be designated by him, or such judge, on application of any person paying such money into court, may require the clerk to give an additional bond, with like condition as the bond provided for in section 191, in such sum as said judge shall order. For receiving and paying over any money deposited with him the clerk shall be entitled to a commission of one per cent, on the amount deposited, one-half of such commission for receiving, the other for paying, the same to be paid by the party depositing such money, provided, that where money is paid or deposited in any court by or for a city of the first class, no fee or commission shall be paid to or for the clerk for any service performed by him in receiving or paying over any such money deposited with him. (R. L. '05 § 107, G. S. '13 § 220, amended '21 c. 178)

193. **Deputies**—By an instrument in writing, under his hand and seal, and with the approval of the judge indorsed thereon, the clerk may appoint deputies, for whose acts he shall be responsible, and whom he may remove at pleasure. The appointment and oath of every such deputy shall be filed with the register of deeds. (108) [221]

40-65, 70, 41+459.

194. **To search records—Certificate—Public inspection**—The clerk, upon request of any person, shall make search of the books and records of his office, and ascertain the existence, docketing, or satisfaction of any judgment or other lien, and certify the result of such search under his hand and the seal of said court, giving the name of the party against whom any judgment or lien appears of record, the amount thereof, and the time of its entry, and, if satisfied of its satisfaction, and any other entries requested relative to such judgment. But nothing in this section shall prevent attorneys or others from having access to such books and records at all reasonable times, when no certificate is necessary or required. (R. L. § 109, amended '07 c. 203 § 1) [222]

84-439, 87+1126; 93-11, 100+382.

195. **Books to be kept**—Every clerk shall procure, at the expense of his county, and keep, the following books:

1. A register of actions, in which he shall enter the title of each action, whether originally commenced in his said court, or brought there by appeal or transcript of judgment from justice court or from any court of record of the state or the United States, and a minute of each paper filed in the cause, and all proceedings therein.

2. A judgment book, in which every judgment shall be entered.

3. A docket, in which he shall enter alphabetically the name of each judgment debtor, the amount of the judgment, and the precise time of its entry.

4. Indexes, as described in § 196, and such other books as the court, in its discretion, may direct. (110) [223]

19-452, 393; 41-283, 43+3.

196. **Index of records**—Every clerk shall keep in separate books a plaintiff's and defendant's index to court records, in which all cases shall be entered in alphabetical order under the name of each plaintiff and defendant. They shall set forth the names of the parties, kind of action, term commenced, the record books and pages on which recorded, the term disposed of, date of judgment, book and page of judgment dockets, execution dockets, fee books, satisfied or not satisfied, and number of case. The defendant's index shall be ruled and printed in the same manner as plaintiff's except that the parties shall be reversed. They shall be ruled and printed substantially as follows:

Plaintiffs	Date of Judgment	Judgment Docket	Kind of Action	Term Commenced	Record Book	Pages	Term disposed of	Month	Day	Execution Docket	Fee Book	Satisfied or not Satisfied	Number of Cases

(111) [224]

In counties having less than 50,000 inhabitants, the clerk was directed by '07 c. 312 to index all cases on file prior to March 7th, 1885, and as compensation to receive such sum as fixed by the judge at not exceeding 10 cents per index.

In counties having over 45,000 and not more than 50,000 inhabitants the clerk was directed, by '17 c. 12, to transcribe prior to June 1, 1917, in a book to be procured for that purpose, all judgments docketed within the last ten years and unsatisfied of record; compensation to be fixed by the board of county commissioners. 197+198 and 199.

197. **Return in criminal cases to county attorney**—The clerk of every court of record having, criminal

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jurisdiction, within ten days after the adjournment of any such court, shall tax the costs or disbursements paid or incurred by the state in the trial of each criminal case tried during such term, enter the amount thereof in the record in each, and forthwith report to the county attorney the amount of such costs and disbursements taxed in each case, the amount of fines imposed, and the amount thereof paid. (112) [227]

198. To enter unregistered cases—Every clerk shall enter upon the proper registers all cases, civil and criminal, which, through a mistake, inadvertence, or neglect of his predecessor in office, have not been registered. The true date of the filings in such cases shall be entered in said registers, and said entries, when so made, shall have the same force and effect as if made by the clerk at the proper time: Provided that, in docketing any judgment, the date thereof shall be the time when actually docketed, and the lien thereof shall attach only from such date. (113) [228]

199. Printed calendars—The clerk of the district court in each of the several counties of this state shall provide printed calendars of the cases to be tried at the general terms thereof at the expense of the counties where such court is held. Provided, that this act shall not apply to a county constituting one judicial district where only one term of court is held each year. ('09 c. 369 § 1) [229]

200. Vacancy—Vacancies in the office of the clerk shall be filled by appointment by the judge. The appointee shall give the bond and take the oath required by law, and shall hold his office until the next general election, and until his successor qualifies. In case any such clerk is adjudged insane, the judge shall appoint a competent person to act as clerk in his place until he shall be duly declared restored to sanity. The person so appointed shall take the oath and give the bond required by law of clerks of the district court, and shall be entitled to the fees and emoluments of the office during the time he shall so act, and his acts shall have the same force and effect as if performed by such clerk. (114) [230]

15-198, 153; 64-207, 66+264.  
130-405, 155+629.

Salary of Clerks in particular counties—In each county of the state having a population of 220,000 or more and less than 330,000 inhabitants, the salary of the clerk is \$4500.00 per annum; chief deputy \$2800.00 per annum; deputy clerk, \$2150.00 per annum; deputy clerk, \$1950.00 per annum; deputy clerk, \$1850.00 per annum; nine deputy clerks, \$1560.00 per annum.

(11 c. 80 § 1, amended '13 c. 190, '15 c. 83 § 1, '19 c. 304 § 8, '21 c. 336, § 9, '23 c. 307 § 6).

In such county the salary of the clerk of the juvenile division of the district court is \$2400.00 per annum and in counties having over 200,000 and less than 330,000 inhabitants, the judge of the juvenile court may appoint one or more investigators who shall receive a salary of \$1300.00 per annum, provided that the judge may designate one investigator to have general charge of the work, receiving a salary of \$1560.00 per annum.

(11 c. 122 § 3, amended '13 c. 191 § 3, '19 c. 304 § 9, '21 c. 336 § 10).

The salary of the clerk in counties having a population of 380,000 inhabitants or over, shall be \$4000.00 per annum; chief deputy \$2835.00 per annum; one head counter deputy \$2205.00 per annum; one assignment deputy, \$2205.00 per annum; three deputy clerks, \$1870.00 per annum; four deputy clerks, \$1700.00 per annum; eleven deputy clerks, \$1600.00 per annum; two deputy clerks, \$1540.00 per annum; one bookkeeper and cashier, \$1760.00 per annum; one stenographer, \$1650.00 per annum, and one special clerk, \$2200.00 per annum.

(21 c. 133, amended '23 c. 419 §§ 13, 14). The above sections supersede the provisions of '13 c. 400 § 10 and § 11, amended by '17 c. 511, '19 c. 302 § 11, which at the time of their passage related only to Hennepin county and are now inapplicable to any county in the state being based on a population of over 300,000 inhabitants only.

In counties having over 150,000 and less than 200,000 inhabitants, the salary of the clerk shall be \$3600.00 per annum and he shall employ sufficient help and deputies to properly discharge the duties of his office but the number and compensation shall be under control of the county board, the clerk having the right if feeling ag-

grieved, to appeal to the district court from such orders of the county board.

(11 c. 145 §§ 9 and 10).

In counties having an assessed valuation of more than \$250,000,000.00 and an area of over 5000 square miles, the clerk's salary is \$4000.00 per annum and that of his assistants is under control of the county board.

('19 c. 149 §§ 10-12; amended '21 c. 492 §§ 11, 12).

In all counties having less than 45,000, counties having a population of less than 7000 inhabitants shall be known as class "A"; less than 12,000, class "B"; 12,000 and less than 18,000, class "C"; 18,000 and less than 24,000, class "D"; 24,000 and less than 35,000, class "E"; 35,000 and less than 45,000, class "F"; and clerks shall receive compensation as follows: Class "A", \$650.00 per annum; class "B", \$750.00 per annum; class "C", \$800.00 per annum; class "D", \$900.00 per annum; class "E", \$1000.00 per annum; class "F", \$1100.00 per annum; provided, such counties have a taxable valuation of more than \$6,000,000.00 and in the preceding year the grand jury returned indictments against at least twenty separate defendants or court was held for forty days or more. For all services rendered by such clerks, they shall receive the fees and compensation allowed by law. Provided, that in counties having less than 45,000 inhabitants if the fees and salary do not equal \$2000.00, the auditor shall issue a warrant sufficient to make up that sum. Provided, however, in counties having an assessed valuation of \$7,000,000.00, the auditor shall issue a warrant sufficient only to make all returns equal \$1500.00.

('09 c. 335, amended '13 c. 511, '19 c. 229).

In counties having a population of less than 45,000 inhabitants, counties having less than 7000 inhabitants shall be known as class "A"; less than 12,000 inhabitants, class "B"; less than 18,000 inhabitants, class "C"; 18,000 and less than 30,000, class "D"; 30,000 and less than 45,000, class "E"; and in such counties the several clerks shall be allowed for clerk hire the sum of \$200.00 per annum in counties of class "A"; \$300.00 per annum in class "B"; \$400.00 per annum in class "C"; \$500.00 per annum in class "D"; \$600.00 per annum in class "E".

(17 c. 476).

Clerk of district court in any county having population of not less than 45,000 nor more than 75,000, whose fees are not fixed by special law, may apply to district judge for appointment of a deputy clerk, and if reasonably necessary district judge by order may authorize the appointment and fix compensation.

(15 c. 71).

In any county having 70 congressional townships and not more than 80 congressional townships and an assessed valuation of not less than \$3,000,000.00 nor more than \$5,000,000.00, the salary of the district clerk shall be \$1500.00 per annum and he shall be allowed not to exceed \$600.00 per annum for clerk hire.

(19 c. 286 § 4).

In each county having more than 60 and less than 80 congressional townships and a population of more than 45,000 and less than 75,000 inhabitants, the clerk shall be entitled to such sum for clerk hire as may be fixed by the board, not exceeding \$1200.00 per annum and the compensation of the clerk shall be as heretofore fixed and he can retain no fees except those received for naturalization papers and work on the Board of Audit.

(21 c. 355).

In each county containing not less than 50 nor more than 70 congressional townships and having an assessed valuation of not more than \$3,000,000.00, the clerk of the district court shall receive a salary of \$1500.00 per annum.

(17 c. 374).

In counties having more than 41 and less than 45 townships and an assessed valuation of not less than \$14,000,000.00 and not more than \$18,000,000.00 the salary of the clerk shall be \$1620.00 per annum and he may retain all fees collected in real estate tax proceedings.

(21 c. 437 § 10).

STENOGRAPHIC REPORTERS

201. Appointment—Duties—Bond—Each judge, by duplicate orders filed with the clerk and county auditor of the several counties of his district, may appoint a competent stenographer as reporter of the court, to hold office during his pleasure, and to act as his secretary in all matters pertaining to his official duties. Such reporter shall give bond to the state in the sum of two thousand dollars, to be approved by the judge appointing him, conditioned for the faithful and impartial discharge of all his duties, which bond, with his oath of office, shall be filed with the clerk in the county in which the judge resides. (115) [240]

See '07 c. 180, amended '15 c. 175; '21 c. 241; '13 c. 249; '15 c. 50; '17 c. 51; '17 c. 140; '17 c. 141; '17 c. 142; '17 c. 143; '17 c. 144; '17 c. 145; '17 c. 146; '17 c. 147; '17 c. 148; '17 c. 149; '17 c. 371; '19 c. 34; '19 c. 147; '21 c. 460; '23 c. 77. The above Session acts contain special provisions for the appointment duties and compensations of the reporters in various districts.

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202. Duties as to reports—Such reporter shall make a complete stenographic record of all testimony given and all proceedings had before the judge upon the trial of issues of fact, with or without a jury, or before any referee appointed by such judge. In so doing, he shall take down all questions in the exact language thereof, and all answers thereto precisely as given by the witness or by the sworn interpreter. He shall also record, verbatim, all objections made, and the grounds thereof as stated by counsel, all rulings thereon, all exceptions taken, all motions, orders, and admissions made and the charge to the jury. When directed so to do by the judge, he shall make a like record of any other matter or proceeding, and shall read to such judge or referee any record made by him, or transcribe the same, without charge, for any purpose in furtherance of justice. (116) [241]

203. Record to be filed—Transcript—As soon as the trial is ended, the reporter shall file his stenographic report thereof with the clerk, or elsewhere, if the judge shall so direct, and, upon request of any person interested, and payment or tender of his fees therefor, he shall furnish a transcript of such record in the words and figures represented by the characters used in making the same, and for that purpose he may take and retain such record so long as may be necessary, when it shall be returned to the files. (117) [242]

204. To act when another judge presides—Unless otherwise directed by the judge appointing him, the reporter shall serve as such in all matters heard by another judge when acting in place of the former, and shall perform in relation to such matters all the duties required of him by law. (118) [243]

205. Salaries of court reporters—The judges, by an order filed with the county auditors annually on or before the first Monday in May, 1921, and on or before the first Monday in January, annually thereafter, shall fix and establish the salary of the court reporter at an amount not exceeding two thousand seven hundred dollars (\$2700) per year and in such order shall apportion the salaries of the reporters in their respective districts among the several counties, and each county shall be required by such order to pay a specified amount thereof in monthly installments, which amount shall be such proportion of the whole salary as the number of days work actually done by the reporter in the trial of cases in said county during the preceding year bears to the whole number so performed in the district. Each reporter shall have and maintain his residence in the district in which he is appointed, but if any reporter be appointed in two or more districts he may reside in either or any of them.

The reporter, in addition to his salary, shall be paid such sums as he shall pay out as necessary railway, traveling and hotel expenses while absent from the city or village in which he resides in the discharge of his official duties, such expenses to be paid by the county for which the same were incurred upon presentation of a verified, itemized statement thereof approved by the judge; and the county auditor of such county, upon presentation of such approved statement, shall issue his warrant in payment thereof. (R. L. § 119, amended '09 c. 168 § 1; '21 c. 170) [244]

206. Fees—In addition to such salary, the reporter may charge for a transcript of his record, ordered by any person other than the judge, eight cents per folio thereof, and two cents per folio for each manifold or other copy thereof when so ordered that it can be made with such transcript. (120) [245]

207. Readjustment of salaries on change of district—That whenever a new judicial district is created, or the boundary lines of a judicial district is changed, the judge or judges of such district or districts shall,

within thirty (30) days after the establishing of such new district or the changing of such boundary lines, file an order readjusting the salaries of court reporters and the proportions to be paid by the several counties, with the several county auditors in each district, to conform to such changes, and the filing of such order shall vacate and set aside any and all orders then on file with such auditors. ('07 c. 242 § 1) [246]

208. Existing laws not affected—Nothing in this chapter shall be construed as repealing or modifying existing laws relating to the office of court reporter in any judicial district which contains a city of the first class. (121) [247]

SALARIES

Provisions as to salary of officers of Judicial Department will be found in ch. 5A.

209. Expenses of judges of district court—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 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 said state auditor and paid upon his warrant. ('13 c. 466 § 1, amended '21 c. 249) [253]

210. Retirement of district or supreme court judges—Whenever a judge of the supreme court or district court in this state shall become incapacitated physically or mentally from performing his judicial duties during the remainder of his term of office and shall make a written application to the governor for his retirement, setting forth the nature and extent of such disability, the governor shall make such investigation as he shall deem advisable and if he shall thereby determine that such disability exists, and the public service is suffering and will continue to suffer by reason of such disability, he shall thereupon by written order, to be filed in the office of the secretary of state, direct the retirement of such judge for the unexpired portion of the term for which such judge was elected, which retirement shall create a vacancy in said office, which shall be filled by appointment, as provided by law.

Provided, that when the disability is mental and to an extent that renders such judge incompetent to make such application, the same may be made by the legally appointed guardian of such judge. ('13 c. 269 § 1) [254]

211. Retirement of district judges—When a judge shall be retired under the provisions of section one of this act, he shall receive the compensation allotted to his office by law for the remainder of his said term, or, if then past eighty-five (85) years of age and having served as such judge continuously more than thirty-four (34) years, for the remainder of his life, to be paid at the time, and in the manner provided by law. ('13 c. 269 § 2, amended '23 c. 79) [255]

MUNICIPAL COURTS

212. Existing courts confirmed—The several municipal courts organized, and in the actual exercise of their functions, at the time when the Revised Laws shall take effect, are hereby confirmed; and the jurisdiction thereof, the practice and procedure therein, the tenure and compensation of the judges and other officers thereof, and the taking of appeals therefrom,

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shall continue in all things to be governed by the laws relating thereto in force at the time of the enactment of said Revised Laws, notwithstanding the repeal thereof of any existing statute. All municipal courts thereafter established, shall be organized and governed under and pursuant to the provisions of this subdivision and not otherwise. (124) [256]

112-136, 127+473; 112-482, 128+834; 130-494, 153+954; 149-368, 183+821; 150-454, 185+934.

213. Oaths and bonds—The oaths, and bonds when required, after their approval, of all judges and clerks of municipal courts, whether organized under special or general law, shall hereafter be filed with the secretary of state. They shall be in such form as the attorney general shall prescribe. ('09 c. 116 § 1) [257]

214. Same—To be forwarded to secretary of state—The present several custodians of the oaths and bonds of all such officers now acting, shall, prior to May 1, 1909, forward the same to the secretary of state, who shall receipt therefor and likewise file and record the same. ('09 c. 116 § 2) [258]

MUNICIPAL COURTS AND VILLAGES

215. A court of record to be known as "the municipal court of . . . ." is hereby established in and for every city, and in, and for every incorporated village, which has or shall have one thousand (1,000) inhabitants or more, or which has an assessed valuation of at least \$4,000,000 regardless of population, in which city or village no municipal court existed at the time of the taking effect of 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 and the other the special municipal judge. (R. L. § 125, amended '13 c. 104 § 1; '15 c. 75; '19 c. 268) [259]

216. Application to existing courts—By a like resolution, adopted and approved as specified in § 259, the council of any village, or of any second, third or fourth class city, may adopt the provisions of this subdivision for the future government of the municipal court of such city or village. Thereupon, said court shall in all things be subject to the provisions hereof; but the tenure and compensation of the several officers thereof shall not be curtailed during the terms for which they were chosen, nor shall any action or proceeding then pending therein be discontinued, nor shall any judgment or decision thereof be affected, by such change. (126) [260]

112-136, 127+473.

217. Judges—Election—Term—Salary—The judges of such courts shall be elected at the regular city or village elections, for the term of four years, beginning on the first Monday of the month next following their election, and until their successors qualify. When a new court is organized more than ninety (90) days prior to a regular election, the governor shall appoint a judge or judges thereof to serve until they are elected and qualified, and vacancies shall be filled by like appointment for the unexpired term. Provided, that in the absence or disability of the municipal judge and special municipal judge of such court, if there be one, the mayor or president of the council may designate a practicing attorney to sit in place of such municipal judge from day to day. All municipal judges and special municipal judges shall be men learned in the law

and residents of the city or village. The salary of each shall be paid monthly by the city or village, and shall be fixed by resolution adopted by a four-fifths majority of the council of such city or village, and approved by the mayor or president before the term begins, and shall not be diminished during such term. Provided, however, that where there shall be a municipal judge and a special municipal judge, the special municipal judge shall act only in the absence or disability of the municipal judge, and receive as compensation therefor an amount per diem to be fixed by the council of such village or city and paid out of the salary of the municipal judge; and provided further, that any such special municipal judge shall not be prohibited from practicing in the said municipal court or in any other court, but he shall not sit in the trial of any cause or proceeding wherein he may be interested, directly or indirectly, as counsel or attorney, or otherwise. (R. L. § 127, amended '13 c. 104 § 1) [261]

131-402, 155+629; 137-154, 162+1075.

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

1. Arising on contract, for the recovery of money only, when the amount claimed does not exceed five hundred dollars.

2. For damages for injury to the person or to real property, or for taking, detaining, or injuring personal property, when the amount claimed, or, in replevin, the value of the property in controversy, does not exceed five hundred dollars.

3. For a penalty given by statute, not exceeding five hundred dollars, or upon a bond conditioned for the payment of money, whatever the penalty thereof, when the amount claimed does not exceed five hundred dollars.

4. On an official bond, or any bond taken in a municipal court, if the penalty does not exceed five hundred dollars.

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

It may also take and enter judgments by confession to an amount not exceeding five hundred dollars, and shall have all the powers and jurisdiction, civil and criminal, of courts of justices of the peace. (128) [262]

139-463 167+110.

219. Jurisdiction withheld—Except as provided in § 262, subd. 5, no municipal court shall have jurisdiction of civil actions involving the title to real estate, or of any action:

- 1. For a divorce.
2. To recover damages for false imprisonment, libel, slander, malicious prosecution, criminal conversation, seduction, or breach of promise to marry;
3. Wherein equitable relief is demanded;
4. Against an executor or administrator, as such; or
5. Against the city, village or county.

Nor shall such court have power to issue writs of habeas corpus, quo warranto, ne exeat, mandamus, prohibition, or injunction. (129) [263]

109-208 123+406; 123-494, 143+785; 126-406, 148+565.

220.—Defences in excess of jurisdiction—Procedure—Whenever a counterclaim in excess of five hundred dollars is asserted, or an equitable defence is interposed, or it shall appear that the title to real estate is involved in any action other than for a forcible entry or unlawful detainer, the fact shall be recorded, and the clerk shall transmit to the clerk of the district court a certified transcript of the record, and all papers filed in the case. Thereafter the cause shall proceed

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199-NW 918
201-NW 299
23-G.S. 9093
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89-Sp. 347
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199-NW 104
205-NW 63
205-NW 450
23-G.S. 3200
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to judgment in said district court as if it had been there begun, and the costs shall abide the event. (130) [264]

109-208, 123+406.

**221. Criminal jurisdiction—Justices of the peace—**No justice of the peace shall have jurisdiction of offenses committed in any city or village wherein a municipal court is organized and existing, but all such offenses otherwise cognizable by a justice shall be examined and tried by such municipal court, and, all cases arising under the charter, ordinances, or by-laws of such city or village shall be tried by said court without a jury. Said court shall have jurisdiction concurrently with the justices of all offenses committed elsewhere within the county. (R. L. § 131, amended '13 c. 104 § 1) [265]

117-173, 134+509; 129-386, 152+777.

**222. Two judges—Daily sittings—Terms—**Excepting in cases where the resolution establishing such court provides for a municipal judge and a special municipal judge, each may exercise all the powers thereof. Each judge shall see that the laws of the state and the ordinances and by-laws, of the city or village are obeyed. The court shall be opened every morning, except on Sundays and holidays, for the hearing and disposition, summarily, of all complaints made of offenses committed within the county, of which the court has jurisdiction. A general term for the trial of civil actions shall be held on and following the first Tuesday of each month, and at such other times as the court may from time to time prescribe by rule. (R. L. § 132, amended '13 c. 104 § 1) [266]

**223. Clerks and deputies—Process—**The clerk of each municipal court, and his deputies, shall be appointed by the judge thereof, who may remove any of them at pleasure. If there be two judges, the senior in office shall exercise such power. Every clerk and deputy shall give bond to the state, in at least the sum of one thousand dollars (\$1,000.00) to be approved by the appointing judge, conditioned for the faithful discharge of his official duties, and for the payment as required by law or by order of the court of all moneys coming into his hands. All process shall be tested in the name of the judge, or the senior in office if there are two, be signed by the clerk, issue under the seal of the court, and be directed for service to any police officer, court officer, marshal, or constable of the city or village, to the sheriff of the county, or all of them. No judge or other officer of such municipal court, excepting the special municipal judge, if any, shall prepare or draw any pleadings or other papers in any civil actions in said municipal court, nor shall they institute, for another, any civil action in such court. (R. L. § 133, amended '13 c. 104 § 1) [267]

**224. Clerk to receive and pay over fines, etc.—**The clerk shall receive all fines, deposits, penalties, and other moneys paid into court, and keep detailed accounts thereof. Upon filing the weekly reports provided for in § 269, he shall pay to the treasurer all sums then in his hands, except such fees as he is entitled to retain as part of his compensation. (134) [268]

**225. Weekly report of clerk—**On Monday of each week the clerk shall file with the treasurer of the city or village a verified report, showing:

1. The names of all persons convicted in such court during the preceding week, and the nature of the offence.
2. The fine or other punishment imposed upon each.
3. The amount paid by each, and the amount of cash deposited in lieu of bail, since his last report.

4. The total amount of money received from all sources during the same period.

5. The names of all persons discharged from jail by order of the court. (135) [269]

**226. Court officers—**In cities and villages of less than five thousand (5,000) population, the constable, marshal or chief of police shall act as officer of the municipal court, serve all papers thereof placed in his hands, and receive the same fees as are allowed to constables by law. In cities and villages of five thousand (5,000) population or more, the mayor or president shall appoint one or more (not exceeding three) court officers, who shall also have the power and authority of policemen, receive the same pay as other policemen, and shall give bond to the city or village, for the use of all persons interested, to be approved by the council of such city or village and conditioned for the faithful performance of their duties as such. Their fees shall be collected by the clerk and paid into the treasury of the city or village, except where no salary is allowed them. Court officers shall attend the sessions of the court and perform all duties in connection therewith, when ordered by the court. (R. L. § 136, amended '13 c. 104 § 1) [270]

**227. Reporter—Duties—Fees, etc.—**In cities of the second class, and elsewhere when the appointment and compensation of a reporter is provided for by resolution of the council, the judge may employ a shorthand reporter of its proceedings, and may dismiss him at pleasure. When requested by a party, the reporter shall make and furnish a transcript in longhand of the whole or any part of the testimony taken, or of any proceeding in court, upon being paid therefor such sum per folio as the court, by its rules, shall prescribe. And when so directed by the judge, he shall furnish such copy for the judge's use, and act as a referee to take and report testimony, without compensation other than his salary. (137) [271]

**228. Powers and duties—Practice—Rules—Fees—**Except as otherwise provided by this chapter, the municipal court and the judges and clerks thereof, shall have in matters within its jurisdiction, all the powers and duties of judges and clerks of the district court in like cases, and the procedure and practice therein shall be the same. In garnishment, however, the minimum of indebtedness and recovery shall be the same as in the justices' courts. The court may make and alter rules for the conduct of its business, and prescribe therein forms of process and procedure, conformably to the law. The fees of the clerk of each municipal court and of officers serving process and papers therein, shall be the same as are allowed by law to the like officers of the district court of the same county. If such officers are paid a salary in lieu of fees, they shall nevertheless collect such fees and pay the same into the city or village treasury, and shall be responsible for such collection. Where, in any county of this state there are two or more municipal courts having jurisdictions throughout said county, whether they be created or established under chapter five (5), Revised Laws of Minnesota for 1905, or by any other general or special law, the defendant in any civil action begun in any one of said courts may have a change of venue therefrom to the municipal court in said county nearest his place of residence, by filing with the clerk of the municipal court, in which such action may be begun, an affidavit, by himself, his agent or attorney, stating definitely his place of residence, and the location of the nearest municipal court thereto in said county, accompanied by a demand for such change of venue, not less than three (3) days before the opening day of the term of such municipal

court at which such action may be noticed for trial. (R. L. § 138, amended '13 c. 104 § 1) [272]

The provisions of R. L. 1905 c. 5, are included in Chapter 5 hereof. 128-225, 150+924.

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**229. Costs and disbursements**—Costs in civil actions shall be allowed as follows:

1. To the plaintiff, upon a judgment in his favor of fifty dollars or more in an action for the recovery of money only, when no issue of law or fact is joined, five dollars; when issue is joined, ten dollars; in all other actions, five dollars.

2. To the defendant, upon discontinuance or dismissal, five dollars; upon a judgment in his favor upon the merits, five dollars; and, if the amount of plaintiff's claim be fifty dollars or more, ten dollars.

3. To the prevailing party on demurrer or motion, in the discretion of the court, ten dollars or less, which may be made absolute or to abide the event.

In all cases the prevailing party shall be allowed his disbursements. (139) [273]

**230. Notices, etc.—Unlawful detainer**—Costs shall be taxed upon notice of not less than two (2) days. Notes of issue shall be filed at least three (3) days before the term. Notice of taking a deposition shall be the same as in the district court. Otherwise the time within which pleadings may be served and other acts performed shall be half that prescribed in the district court, but no such half time shall be less than three (3) days. In forcible entry and unlawful detainer, the summons shall be issued by the clerk and may be made returnable on any day not less than three (3) days after the issuance of such summons; and in other respects such suits shall be governed by similar regulations relating to justices of the peace. (R. L. § 140, amended '13 c. 104 § 1) [274]

**231. Jury trials**—Except as in this chapter otherwise provided, all general laws relating to trial by jury in the district court shall apply to this court. In such cities and villages, the mayor and city clerk in cities, and the president and village clerk in villages, or in the absence or disability of either, the officer authorized to perform his duties, shall meet with the judge or clerk of the municipal court at the city or village clerk's office on the second Monday in February, May, August and November of each year, and there shall select one hundred (100) voters of the city or village as jurors of said court when required and drawn as such during the ensuing three (3) months, and until their successors are chosen. Their names shall be listed, and the list certified by the officials selecting them, and the clerk shall place such names, written on separate slips, in a box or wheel. No person shall be required to serve as such juror during more than one quarter in any one year. (R. L. § 141, amended '13 c. 104 § 1) [275]

129-386, 152+778; 134-311, 159+789.

**232. Drawing jury—Fees—Special venire**—In all cases if either party desires a jury, he shall so state when the case is set for trial. A jury of six may be drawn if both parties consent thereto in open court. The party demanding the jury shall pay to the clerk at the time fifty cents (50c) for each juror required, otherwise the case shall be tried by the court. The clerk shall draw from the box twice as many names as there are jurors required for the trial, and the person so selected shall be summoned to appear at the appointed time. Each juror sworn as such shall be paid one dollar (\$1.00) out of the city treasury upon a certificate issued to him by the clerk at the time of his discharge. Whenever necessary, a special venire may be issued. (R. L. § 142, amended '13 c. 104 § 1) [276]

**233. Fees in criminal cases—What attorneys to prosecute—Fees in civil cases**—In all municipal courts,

jurors in criminal cases and witnesses for the prosecution shall be paid by the city or village upon certificates issued by the clerk. Witnesses for the defense in such cases may be paid in like manner when the court shall so direct. The fees of witnesses shall be the same, in both civil and criminal cases, as are allowed by law in the district court; but in criminal cases fees shall not be required in advance, nor shall policemen or other officials or employees of the county, city or village be paid witness fees. Misdemeanors and violations of ordinances or by-laws shall be prosecuted by the city or village attorney, and all other offenses by the county attorney. In civil cases there shall be paid to the clerk of the court a fee of two dollars (\$2.00) by the party entering the suit, which fee shall be accounted for and paid over to the city or village, and shall be in lieu of all fees of the clerk of said court. (R. L. § 143, amended '13 c. 104 § 1) [277]

**234. Retrial of title to lands**—The defeated party in an action wherein the title to land is involved, and which has been determined against him, may secure a second trial thereof in the district court by:

1. Depositing with the clerk, within twenty-four hours after notice of the judgment, the amount of all costs and disbursements included therein.

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

3. Giving bond to the adverse party, in such amount and with such sureties as the court shall fix and approve, conditioned for the payment to him or his assigns of all costs and disbursements which he shall recover upon such second trial, and of all rents, profits, and damages accruing or resulting to him during the pendency of the action, and to abide by any order the court may make therein. Upon the filing of such bond, duly approved, within five days after the amount thereof is so fixed, the court shall cause the case to be forthwith certified and transmitted to the clerk of the district court, with all the papers on file therein. Upon service of the notice herein provided for, all proceedings under the judgment shall be stayed until otherwise ordered. (144) [278]

**235. Lien of judgments—Transcripts—Execution, etc.**—No judgment of a municipal court shall be a lien upon the real estate until a transcript thereof is filed and docketed with the clerk of the district court. If no execution thereon be outstanding, the judgment creditor may cause such transcript to be docketed in the same county, and thereafter execution may issue from either court. The clerk with whom the transcript is so filed may issue transcripts to be filed and docketed in other counties, as in the case of a judgment originally rendered in his court. When docketed as herein provided, the judgment shall have the same force and effect, in all respects, as a judgment of the district court. (R. L. § 145, amended '13 c. 104 § 1) [279]

**236. Appeals to district court**—Appeals may be taken to the district court of the county from the judgments of municipal courts in the same cases, upon the same procedure, and with the same effect as provided by law respecting appeals from justices' courts, and all laws relating to such last named appeals shall be adapted and applied to appeals from the municipal courts. Provided, however, that the time for appeal shall not start to run until the judgment has been per-

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fect, the costs taxed and notice of entry of judgment served upon the adverse party. (R. L. § 146, amended '13 c. 104 § 1) [280]

109-292, 123-809; 143-290, 173+651; 146-358, 178+812; 187+703.

**237. Courts in cities of fourth class—Salary of judge—Organization—Fees—**Whenever the common council of any city of the fourth class, where any municipal court heretofore has been or hereafter shall be organized, shall fail to fix the salary of the municipal judge, as provided for by law, or the mayor shall not approve the salary fixed by the council, such judge shall receive as his compensation until such salary shall be so fixed and approved the same fees as is provided for in section 32 of chapter 229 of the General Laws of the state of Minnesota for the year 1895, and shall, in addition to his duties as such judge perform the duties incumbent on the clerk of such municipal court.

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

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

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

Any common council of any city of the fourth class having a municipal court now organized, or which shall hereafter organize a municipal court to which the provisions of this act may apply, shall have power to fix such reasonable sum, in lieu of all judges' and clerks' fees, to be charged to litigants in civil actions therein, and provide for the collection thereof and the payment of the sum so fixed into the city treasury of such city, and may provide for the collection of fees and the payment thereof into the city treasury, or shall have power to determine that the fees provided for in this act shall be in lieu of and in place of all salary, and shall have power to and may require in cases where salary is paid by the city that such judges collect such fees and pay same into the city treasury and be responsible for such collection.

When fees shall be taxed they shall be taxed and paid as in ordinary cases in courts of justices of the peace and shall be the same in amount as are provided in section 32 of chapter 229 of the Laws of 1895, as hereinbefore stated. ('09 c. 306 § 1, amended '11 c. 10 § 1) [281]

**238. Same—Certain courts legalized—**Any municipal court heretofore organized or attempted to be organized in any city of the fourth class under any law, and now existing and performing the duties of such court is hereby legalized and the organization thereof in all things performed. ('09 c. 306 § 2) [282]

**239. Fees to be charged by municipal courts—**In all proceedings had in said municipal court the following fees shall be charged and collected by the judge or clerk as and for the compensation of the judge, and said fees may be taxed in all cases where applicable, as follows:

For summons, warrant or subpoena, thirty-five (35) cents.

For venire for a jury, fifty (50) cents.

For a warrant in a criminal case, thirty-five (35) cents.

Taking a recognizance, thirty-five (35) cents.

Administering an oath, twenty-five (25) cents.

Certifying the same when administered out of court, twenty-five (25) cents.

For a writ of attachment, thirty-five (35) cents.

For hearing and deciding every motion for a new trial, every demurrer, and every motion to open a default, one (\$1) dollar.

Appeal from taxation of costs, one (\$1) dollar.

Entering a judgment, one dollar (\$1).

Every adjournment, twenty-five (25) cents.

Every bond, recognizance or security directed by law to be taken by judge of court, thirty-five (35) cents.

Taking an examination, deposition or confession, or entering any cause in docket, per folio, fifteen (15) cents.

For copy of any paper, proceeding or examination in any case, when demanded, per folio, fifteen (15) cents.

Entering a satisfaction of judgment, twenty-five (25) cents.

Issuing a commission to take testimony, fifty (50) cents.

Entering any order or exception thereto, ten (10) cents.

Entering amicable suit without process, thirty-five (35) cents.

For transcript of judgment, thirty-five (35) cents.

Opening a judgment for rehearing, thirty-five (35) cents.

Filing every paper required to be filed, ten (10) cents.

Issuing notice to take deposition, thirty-five (35) cents.

Taking recognizance, certifying oath or affidavit and making return to district court, per folio, fifteen (15) cents.

For search warrant, thirty-five (35) cents.

For commitment to jail, thirty-five (35) cents.

For an order to bring up prisoner, thirty-five (35) cents.

For an order to discharge prisoner issued to jailer, thirty-five (35) cents.

Discharging a prisoner, after hearing a motion to discharge, twenty-five (25) cents.

For an execution, thirty-five (35) cents.

For every other writ not herein enumerated, thirty-five (35) cents.

For every affidavit or other paper drawn by the judge or clerk, for which no other allowance is made by law, per folio, fifteen (15) cents.

Taxing costs, twenty-five (25) cents.

For marrying and making return thereof, three (\$3) dollars, and such other sum as may be allowed by the parties making the application.

Holding an inquisition in cases of forcible entry and unlawful detainer, in addition to other fees, one (\$1) dollar.

Taking and certifying the acknowledgment of a deed, for each grantor named therein, twenty-five (25) cents.

For traveling to perform any duty, when not otherwise provided for and such travel is necessary, per mile, going and returning, ten (10) cents. ('19 c. 318)

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

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

2. In other actions that he will apply to the court for the relief demanded in the complaint. ('19 c. 389 § 1, amended '21 c. 119 § 1)

**241. Courts in cities of first class—Probation officer, etc.**—In each city of the first class not operating under a home rule charter pursuant to section 36, article IV, of the state constitution, a probation officer shall be appointed by the judges of the municipal court of said city. Such officer may appoint one or more deputies, subject to approval by said judges. Each shall serve four (4) years, unless sooner removed by said judges for cause. ('13 c. 424 § 1) [283]

**242. Same—Powers and duties**—Such officer, or his deputy, shall be present at every session of said court. He shall receive all persons placed on probation by said court and committed to his care during such probation period and perform such acts with reference to them as the judgment of the court may direct. He shall not be a regular member of the police force, but in the execution of his official duties shall have all the power of a police officer. ('13 c. 424 § 2) [284]

**243. Same—Reports**—Every such probation officer shall report in writing to the court as often as required by it, with reference to the condition, disposition and other pertinent facts relative to the persons under his care. ('13 c. 424 § 3) [285]

**244. Same—Offices, etc.**—The city council of said cities shall provide such officer and his deputies with suitable furnished offices in the building where such courts are held, with record books, blanks, stationery, postage and other expenses required for the proper

execution of the purposes of this act. ('13 c. 424 § 4) [286]

**245. Salary of probation officer**—Such probation officer shall receive as full compensation for his services, twenty-seven hundred dollars per annum, and each deputy such amount as shall be fixed by the judges of said court not exceeding twenty-two hundred dollars per annum. Such salary shall be payable in equal semi-monthly installments out of the city treasury. ('13 c. 424 § 5, amended '23 c. 413 § 2) [287]

COURT COMMISSIONER

**246. Election—Term of office**—There shall be elected in each county a court commissioner, who shall hold his office for four years and until his successor qualifies. One person may hold at the same time the offices of court commissioner and probate judge. (147) [288]

**247. Qualification and powers**—Court commissioners shall be men learned in the law, and shall have and may exercise the judicial powers of a judge of the district court at chambers. Among other powers conferred by law, they are empowered to issue writs of habeas corpus, to take acknowledgments of deeds and other written instruments, to take depositions and certify to the same, to perform the marriage ceremony, to take disclosures in garnishment proceedings pending in the district court, and orders for the examination of judgment debtors in proceedings supplementary to execution may be made returnable before the court commissioner. (R. L. § 148, amended '09 c. 59 § 1) [289]

Const. art. 6 § 15: 3-352, 249; 10-63, 45; 17-340, 315; 28-455, 104-778; 64-226, 66+969; 91-5, 97+371; 91-352, 98+188; 131-129, 154+748.

**248. To give bond and take oath**—Before entering upon his duties, each court commissioner shall give to the county a bond in the sum of two thousand dollars to be approved by the county board, conditioned for the faithful performance of his duties, which bond, with his oath of office, shall be filed for record with the register of deeds. (149) [290]

**249. Records—Clerical help**—The court commissioner shall keep a record of all proceedings had before him in books procured at the expense of the county, and shall be supplied with necessary stationery, which books and unused stationery shall be delivered to his successor; and in counties having a population of two hundred thousand and over shall be supplied with a suitable office and such clerical help as may be deemed necessary by the board of county commissioners. (R. L. '05 § 150 amended '15 c. 203 § 1) [291]

**250. Vacancy**—Whenever a vacancy occurs in the office of court commissioner, the judge of the district court of the county shall appoint some competent person to fill such vacancy, who shall give the bond and take the oath by law required, and shall hold his office until the next general election, and until his successor qualifies. (151) [292]

PROBATE AND JUSTICE COURTS

**251. Jurisdiction**—The jurisdiction of the probate courts and courts of justices of the peace, and the powers, duties, and compensation of the officers thereof, shall be such as are defined in the several chapters of the Revised Laws relating thereto. (152) [293]

132-124, 158+234.

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