

from that ward shall file in the manner prescribed in Minnesota Statutes, Section 124.05, Subdivision 1.

Approved March 21, 1955.

CHAPTER 215—H. F. No. 850

[Not Coded]

An act relating to the municipal court of the City of Minneapolis; repealing: Special Laws of 1874, Chapter 141; Special Laws of 1875, Chapter 4; Special Laws of 1877, Chapter 178; Special Laws of 1878, Chapter 65; Special Laws of 1879, Chapter 87; Special Laws of 1883, Chapters 48, 49 and 55; Special Laws of 1885, Chapter 74; Special Laws of 1887, Chapter 21; Special Laws of 1889, Chapter 34; Special Laws of 1891, Chapter 139; Special Laws of 1901, Chapter 387; Special Laws of 1903, Chapter 412; Laws of 1907, Chapter 465; Laws of 1909, Chapters 20 and 225; Laws of 1911, Chapter 126; Laws of 1913, Chapters 424 and 517; Laws of 1915, Chapter 299; Laws of 1917, Chapters 179, 407 and 482; Laws of 1919, Chapters 303 and 331; Laws of 1921, Chapter 201; Laws of 1923, Chapters 370 and 413; Laws of 1927, Chapters 130, 410 and 424; Laws of 1929, Chapters 128 and 129; Laws of 1937, Chapter 273; Laws of 1939, Chapter 232; Laws of 1941, Chapters 30, 91 and 156; Laws of 1943, Chapters 147, 250, 450 and 461; Laws of 1945, Chapters 232 and 387; Laws of 1947, Chapters 441, 442, 443, 444 and 618; Laws of 1949, Chapters 217, 322, 363, 560, 567 and 579; Laws of 1951, Chapters 276, 277, 494 and 527; Laws of 1953, Chapters 3, 242, 263, 363 and 708 and Section 7 of Chapter 11.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Establishment, jurisdiction, powers, appeals.
Subdivision 1. The establishment of the existing municipal court of the City of Minneapolis is confirmed and the court is continued with the jurisdiction and powers hereinafter stated.

Subd. 2. The court is a court of record with a clerk and a seal.

Subd. 3. Except as otherwise provided in this act, the court has all the powers of the district courts of this state. It may issue all civil and criminal process necessary or proper to enforce and effectuate its jurisdiction and determinations.

Subd. 4. Excepting causes involving title to real estate, the court has jurisdiction to hear, try and determine civil ac-

tions at law in which the amount in controversy does not exceed the sum of \$1,000.

Subd. 5. Whether or not the title to real estate is involved, the court has jurisdiction of actions of forcible entry and unlawful detainer involving land located wholly or in part within Hennepin County.

Subd. 6. (a) The court has jurisdiction to hear, try and determine any charge of violation of:

(1) A criminal law of this state constituting a misdemeanor committed within the County of Hennepin,

(2) Any ordinance, charter provision, rule or regulation of the City of Minneapolis, or

(3) Any ordinance, charter provision, rule or regulation of the Minneapolis-St. Paul Metropolitan Airports Commission.

(b) The court has jurisdiction to conduct preliminary hearings and to exercise all judicial powers incident to preliminary hearing proceedings, on any charge of violation of any criminal law of this state committed within the County of Hennepin.

(c) Jurisdiction under sub-paragraphs (1) and (2) of paragraph (a) and under paragraph (b) of this subdivision is exclusive for any violation committed within the City of Minneapolis.

Subd. 7. The court does not have jurisdiction:

(a) Of any action where the relief asked for in the complaint is purely equitable in its nature,

(b) Of an action for divorce,

(c) To issue a writ of habeas corpus, quo warranto, ne exeat, mandamus, prohibition or injunction, nor

(d) To issue any order in proceedings supplementary to execution.

Subd. 8. The summons in civil and forcible entry and unlawful detainer actions may be served only within the County of Hennepin. Garnishment summons, subpoenas and all other civil and criminal process and orders may be served and enforced anywhere within the State of Minnesota.

Subd. 9. The City of Minneapolis shall provide suitable quarters for the court within the city limits, and court shall be held at that place.

Subd. 10. The court shall be open every day, except Sundays and legal holidays. The court shall hold a general term for the trial of civil actions commencing on the first Monday following Labor Day of each year and continuing until the next general term, with such adjournments as the judges may determine to be necessary and proper.

Subd. 11. All causes may be removed from the municipal court to the supreme court of the State of Minnesota in the same manner, upon like proceedings and with like effect as from district courts.

Sec. 2. **Judges.** Subdivision 1. There are six judges of the municipal court of the City of Minneapolis.

Subd. 2. Each judge shall be a person learned in the law who is admitted and qualified to practice in the supreme court of this state and is a resident of the City of Minneapolis in this state. Before entering upon the duties of office, each judge shall take and subscribe an oath, in the form prescribed by law for judicial officers, and shall file his oath in the office of the city clerk.

Subd. 3. (a) Each elected judge holds office for six years beginning the first Monday in July next succeeding his election.

(b) In case the office of any judge becomes vacant before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the governor, until a successor is elected and qualified. Such successor shall be elected at the first city election that occurs more than 30 days after the vacancy shall have happened.

(c) At the general city election immediately preceding the expiration of his term, the qualified voters of the city of Minneapolis shall elect the successor to any elected judge.

(d) Each judge holds a separate non-partisan office.

(e) When one or more judges of the court are to be nominated or elected at a city election, the notice of election shall state the name of each judge whose successor is to be nominated or elected. The official ballot shall contain the names of all candidates for each such office, state the number of judges to be elected and the number of candidates for whom an elector may vote, and designate each candidacy as "For the office of Judge of the Municipal Court of the City of Minneapolis to which was elected for the regu-

lar term", or "For the office of Judge of the Municipal Court

of the City of Minneapolis to which was
 appointed", as the case may be. The official ballots shall show
 in the spaces for the purpose the name of the judge whose suc-
 cessor is to be elected. When any judge is a candidate to suc-
 ceed himself, the word "incumbent" shall be printed after his
 name where it appears among the names of the candidates for
 the office. When voting machines are used and such statements
 cannot be inserted in full, the designation shall be "Successor
 to (elected)", or "Successor to
 Name of Judge Name
 (appointed)", as the case may be.
 of Judge

(f) Each person desiring to have his name placed upon
 the primary ballot as a candidate for judge shall state in his
 affidavit of candidacy the office of the particular judge for
 which he is a candidate. The filing of this affidavit with the
 city clerk and a compliance with all other requirements consti-
 tutes such person a candidate for that office, and for that office
 only. No person shall at any election be a candidate for more
 than one such office.

Subd. 4. The present judges of the municipal court of
 the City of Minneapolis are hereby confirmed and continued in
 office. Each such judge shall serve for the balance of his
 present term.

Subd. 5. The judges have the general powers of judges
 of courts of record and all powers necessary to effectuate the
 purposes of this act. Each judge may administer oaths and
 take and certify acknowledgements. Each judge is a conserva-
 tor of the peace and has all powers and authority vested in
 justices of the peace or magistrates.

Subd. 6. Any judge has the power to punish for con-
 tempt of court by a fine not exceeding \$100 or by imprison-
 ment in the county jail or city workhouse not exceeding 90
 days.

Subd. 7. A majority of the judges may promulgate
 rules of court consistent with this act. Unless the rule forbids,
 a judge may waive its application.

Subd. 8. Upon a request of a majority of the judges
 of the municipal court, any one or more district court judges
 of this state may, while serving pursuant to such request, per-
 form all the duties and exercise all the powers and functions
 of a judge of the municipal court. Each district court judge so
 acting shall be additional to the number of municipal judges
 provided for elsewhere in this act, but shall receive no addi-
 tional salary for so acting.

Subd. 9. Each judge shall be paid an annual salary of \$11,000 payable in semi-monthly instalments out of the treasury of the City of Minneapolis. If a judge dies, the amount of his salary remaining unpaid for the month in which his death occurs shall be paid to his estate.

Sec. 3. Clerks. Subdivision 1. A majority of the judges shall appoint the clerk of the court for a term of six years from the date of appointment. At any time within six months from the date of his initial appointment the clerk may be removed and his appointment terminated, with or without cause and without prior notice or hearing. At any time the clerk may be suspended without pay for a period not exceeding 30 days with or without cause, after hearing before a majority of the judges. Except as otherwise provided herein, the clerk, during his term, may be removed and his appointment terminated only for cause after notice and a hearing before a majority of the judges. Any termination, removal or suspension provided for in this subdivision shall be made by a majority of the judges.

Subd. 2. (a) The clerk shall take and subscribe an oath to support the Constitutions of the United States and the state of Minnesota and to perform faithfully the duties of his office.

(b) The clerk shall execute to the City of Minneapolis a penal bond in such sum and with such surety as the council directs, conditioned that:

(1) He will account to and pay over to the city treasurer as required by law all money belonging to or to be paid to the city,

(2) He will pay over to all persons on demand all money to which they are entitled which comes into his hands as clerk,

(3) At the expiration of his tenure in office he will forthwith pay to such city all money to which it is entitled and to his successor in office all other money then remaining in his hands which came into his hands as clerk.

(c) The clerk may not enter upon his official duties until his appointment, oath and bond are filed with the city clerk.

Subd. 3. (a) The court has one chief deputy clerk, three assistant chief deputy clerks, eight senior deputy clerks, and such number of junior deputy clerks as the clerk, with the approval of a majority of the judges, deems necessary from time to time, but no new or additional positions may be created without the consent of the city council.

(b) With the approval of a majority of the judges the clerk shall appoint deputy clerks.

(c) Each appointment shall be made under the hand of the clerk and seal of the court and the approval of a majority of the judges shall be endorsed thereon.

(d) Each deputy shall take and subscribe an oath similar to that prescribed for the clerk and shall execute a bond to the City of Minneapolis for the faithful performance of his duties in such amount and with such terms, conditions and surety as the city council directs. No deputy may enter upon his office and duties before his appointment, oath and bond are filed with the city clerk.

(e) The appointments of the deputy clerks shall be for terms of six years from their respective dates of appointment and shall not expire or be suspended by reason of the suspension, removal, termination of appointment, death or other incapacity of the clerk. At any time within six months from the date of his initial appointment, a deputy clerk may be removed and his appointment terminated, with or without cause and without prior notice or hearing. At any time a deputy clerk may be suspended without pay for a period not exceeding 30 days, with or without cause, after hearing before a majority of the judges. Except as otherwise provided herein, a deputy clerk, during his term, may be removed and his appointment terminated only for cause after notice and a hearing before a majority of the judges. Any termination, removal or suspension provided for in this subdivision shall be made by a majority of the judges.

(f) The clerk shall delegate, supervise and expedite the work and accounting of the deputy clerks. He is not personally responsible for their acts beyond his responsibility for proper delegation and supervision.

(g) Each deputy may administer oaths and affirmations, and take acknowledgments and shall perform the duties and exercise the powers of the clerk which are delegated to him by the clerk or by a majority of the judges in the event of the death or disability of the clerk.

Subd. 4. (a) The clerk may administer oaths and affirmations and take acknowledgements. He has all the powers and shall perform all of the duties usually incident to the office of a clerk of a court of record or necessary to carry out the purposes of this act.

(b) Under the supervision and approval of a majority of the judges and with the consent of the council, the clerk

shall procure at the expense of the city all blanks, stationery, books, furniture, furnishings, and supplies necessary for the use of the court and its officers and jurors.

(c) In the performance of all his duties the clerk is subject to the control and supervision of the judges.

Subd. 5. The clerk shall make minutes, records and indices of all proceedings; enter all orders, judgments and sentences; issue commitments, execution and all other process; keep proper accounts; have the custody and care of all books, files, accounts, exhibits, papers and records of the court, and tax all costs and disbursements.

Subd. 6. (a) All fines collected by the clerk for violations of the ordinances, rules, or regulations of the Minneapolis-St. Paul Metropolitan Airports Commission shall be paid by him to such commission.

(b) Except as provided in clause (a) and except as otherwise provided by law, the clerk shall pay to the city treasurer all fines or penalties collected by him, all fees received by him for services of himself and police officers, and all other money of the city or required by law to be paid to the city.

(c) At the beginning of the first day of any month the amount owing to the city in the hands of the clerk shall not exceed \$5,000.

(d) Prior to the 16th day of each month the clerk shall file an account with the city treasurer. This account shall show all receipts, disbursements and deductions for the previous month and the balance held by the clerk for any person or for the city at the close of the last day of the previous month.

(e) Amounts represented by checks issued by the clerk or received by the clerk which have not cleared by the end of the month may be shown on the monthly account as having been paid or received, subject to adjustment on later monthly accounts.

(f) The clerk may receive negotiable instruments in payment of fines, penalties, fees or other obligations as conditional payments, and is not held accountable therefor until collection in cash is made and then only to the extent of the net collection after deduction of the necessary expense of collection.

Subd. 7. The clerk shall pay such fees and mileage to witnesses as may be ordered by any judge in any action or proceeding involving a charged violation of a criminal law or

municipal ordinance. The clerk shall obtain receipts therefor as vouchers for the sums paid and shall deduct these payments from the amount otherwise due to the city.

Subd. 8. (a) All sums deposited with the clerk to cover witness fees, jury fees, clerk's fees or the fees of police officers shall be deemed abandoned and forfeited if the witness fees are not disbursed or the services covered by the fees are not performed and the person entitled to refund thereof does not file a written demand for refund with the clerk within six months from the date of trial, dismissal or striking of the cause as to jury fees and from the date of deposit as to other fees.

(b) Any bail deposited with the clerk and not forfeited by court order shall be deemed abandoned and forfeited if the person entitled to refund does not file a written demand for refund with the clerk within six months from the date when he became entitled to the refund. All such forfeited sums shall be paid over by the clerk to the city treasurer promptly.

(c) Any judge may order any sums so forfeited under (a) or (b) to be reinstated for cause and the clerk shall then refund accordingly. The city treasurer shall reimburse the clerk if the clerk refunds the deposit upon such an order and obtains a receipt to be used as a voucher.

Subd. 9. All sums collected on any bail, bond, or recognizance forfeited by court order shall be paid to the County of Hennepin to be applied to the support of the law library of the county. The receipt of the county treasurer to the clerk shall be a sufficient voucher therefor. When the sums so forfeited, minus refunds, during any calendar year equal \$2,500, all sums in excess thereof shall be paid to the City of Minneapolis. Such payments to the county or the city shall be made periodically but not prior to six months from the date of the order for forfeiture. During that six months period, but not thereafter, any judge may set aside the forfeiture order upon proper showing of cause therefor. No obligation to pay to the county or city sums so ordered forfeited exists unless the forfeiture is not set aside within said six-month period. For the purpose of determining when said \$2,500 shall have accrued to the county, the final forfeiture shall be deemed to occur at the end of the six-month period.

Subd. 10. When a person is confined to the city workhouse and a fine is remitted, a sentence stayed or suspended, the person released on parole, or the release of the person secured by payment of the fine in default of which he was committed, the prisoner shall not be released except upon order of

the court. A written transcript of such order signed by the clerk and under the court's seal shall be furnished to the superintendent of the city workhouse.

Subd. 11. (a) The fees payable to the clerk for the following services in civil actions are:

1. \$2 payable by the plaintiff, in addition to any library fee otherwise required, when the action is entered in court or when the first paper on the plaintiff's part is filed.

2. \$2 payable by the defendant or other adverse or intervening party, or any one or more of several defendants, or other adverse or intervening parties appearing separately from the others when his or their appearance is entered in the action or when the first paper on his or their part is filed.

3. No trial fee is payable by any party when trial is by a judge without a jury.

4. \$3 for trial by a jury of six persons. \$5 for trial by a jury of 12 persons. The fee paid for trial by a jury shall be refunded if a jury panel is never sworn for voir dire in the action.

(b) Except as provided in paragraph (a), the fees payable to the clerk for his services are the same in amount as the fees then payable to the clerk of the district court of Hennepin County for like services. The fees payable to the clerk for all other services of himself or the court shall be fixed by rules promulgated by a majority of the judges.

(c) Fees are payable to the clerk in advance.

(d) No fees for services are payable by the state, county or city.

Subd. 12. (a) The annual salary of the clerk is \$7,018 per year.

(b) The classifications and annual salaries of the deputy clerks are:

- (1) Chief deputy clerk, \$5,420.80.
- (2) Assistant chief deputy clerks, \$5,073.75.
- (3) Senior deputy clerks, from \$4,012.80 to \$4,765.20.
- (4) Junior deputy clerks, from \$3,696 to \$4,224.

(c) All of the foregoing salaries are payable out of the treasury of the City of Minneapolis in semi-monthly instalments.

(d) Each junior deputy clerk and each senior deputy clerk shall serve in his classification for one year at the minimum salary for that classification, and his salary shall be increased at the end of each year's service by \$132 for junior deputy clerks and \$125.40 for senior deputy clerks until such salaries reach the maximum salaries for such classifications. This act shall not be construed to reduce the present salary of any deputy clerk. Deputy clerks returning from active service in the armed forces of the United States shall receive automatic salary increases in the same fashion as though the time spent in said active service had been spent as a deputy clerk. With the approval of a majority of the judges, senior deputy clerks may be started in that classification at a salary more than the minimum and may be granted raises in excess of \$125.40 per year by the clerk.

Subd. 13. (a) Upon order of all the judges the clerk may destroy or dispose of all of the following types of files and records of the court which are more than ten years old:

- (1) Garnishment files, uncontested,
- (2) Motion calendars, special term,
- (3) Unlawful detainer calendars, special term,
- (4) Garnishment calendars, special term,
- (5) General term calendars,
- (6) Court reporters note books,
- (7) Receipt books for prisoners,
- (8) Old receipt books for probation department,
- (9) Criminal and ordinance violations files,
- (10) Cash books,
- (11) Depositions,
- (12) Traffic tags.

(b) Upon order of all the judges and with the consent of the president of the Hennepin County Historical Society, the clerk may destroy or dispose of all files of civil or garnishment actions and actions of forcible entry or unlawful detainer which were commenced more than 20 years prior to the judges' order and in which no proceedings have occurred within ten years prior to the judges' order.

Sec. 4. **Probation officers.** Subdivision 1. A majority of the judges shall appoint a chief probation officer. With the approval of a majority of the judges, the chief probation officer shall appoint a chief deputy probation officer and such

number of deputy probation officers, clerks and stenographers as a majority of the judges may from time to time deem necessary, but no new or additional positions may be created without the consent of the city council. Each appointment shall be for a term of four years from the respective date of appointment and shall not expire or be suspended by reason of the suspension, removal, termination of appointment, death or other incapacity of the chief probation officer. At any time within six months from the date of his initial appointment, the chief probation officer, the chief deputy probation officer, a deputy probation officer, a clerk or a stenographer, may be removed and his appointment terminated, with or without cause and without prior notice or hearing. At any time the chief probation officer, the chief deputy probation officer, a deputy probation officer, a clerk or a stenographer may be suspended without pay for a period not exceeding 30 days, with or without cause, after hearing before a majority of the judges. Except as otherwise provided herein, the chief probation officer, the chief deputy probation officer, a deputy probation officer, a clerk or a stenographer, during his term, may be removed and his appointment terminated only for cause after notice and a hearing before a majority of the judges. Any termination, removal or suspension provided for in this subdivision shall be made by a majority of the judges.

Subd. 2. Probation officers shall be present at such sessions of the court as the judge presiding may direct. The probation officers shall take charge of all persons placed on probation or parole and committed to their care during a probation or parole period, and supervise them as the court directs. They are not regular members of the police force, but in the execution of their official duties, they have all the powers of police officers. The chief probation officer shall supervise the other probation officers and may delegate duties and powers to them.

Subd. 3. The probation officers shall report to the court verbally or in writing, as the court may direct, regarding the condition, disposition, and other pertinent facts relative to the persons under their care.

Subd. 4. The city council shall provide the probation officers, clerks, and stenographers with suitable furnished offices in the building where the court is held, and with record books, blanks, stationery, postage, and funds required for the performance of their duties.

Subd. 5. The judges shall fix the amount of compensation to be paid the probation officers, clerks, and stenographers. The annual compensation of each shall not exceed:

Chief probation officer, \$7,200;
Chief deputy probation officer, \$6,600;
Deputy probation officer, \$4,800;
Clerks and stenographers, \$3,600.

Their compensation is payable in equal semi-monthly instalments out of the city treasury.

Sec. 5. Court reporters. Subdivision 1. Each judge may appoint as his court reporter a competent person skilled in that profession. Each reporter shall take and subscribe an oath to support the Constitutions of the United States and the State of Minnesota and to discharge and perform his duties as a court reporter faithfully and honestly. Each reporter shall file his oath with the city clerk before he enters upon the duties of his office. Each reporter is an officer of the court and holds his office during the pleasure of the judge appointing him and until the judge's successor appoints a court reporter to succeed him, notwithstanding any rule or regulation heretofore or hereafter made by any board or commission of the city establishing and fixing a compulsory age for retirement of employees of the city. It is not compulsory for any such court reporter, who is a member of the public employees' retirement association, to become a member of any municipal pension or retirement fund.

Subd. 2. Each reporter shall take or cause to be taken by another skilled court reporter full stenographic notes of all the testimony and other proceedings in all civil actions, all actions for forcible entry and unlawful detainer and all preliminary hearings in criminal actions before the judge so appointing him. Unless directed by the judge to do so, he shall not take notes of the opening statements of the judge or counsel, the questioning or selection of the jurors or the arguments of counsel to the court or jury. When requested by the judge, each reporter shall transcribe such notes or any part thereof for the use of the judge or for such other purpose in furtherance of justice as the judge may order, without charge therefor. Each reporter shall furnish a transcript of his notes, or any part thereof, at the request of any party to the action or any other person. He shall be entitled to charge therefor at the rates then prescribed by law for court reporters of the district court for Hennepin County. Whenever a transcript has been filed as required by law, the amount paid by any party for the transcript, if the transcript be used upon a motion for a new trial, appeal, or writ of certiorari, may be taxed and allowed as a disbursement. Each reporter shall act in the capacity of a private secretary to the judge so appointing him in the performance of the judge's official duties.

Subd. 3. The annual salary of each reporter is \$5,800

and is payable in semi-monthly instalments by the city treasurer from any funds in the city treasury not otherwise appropriated.

Sec. 6. Police officers as court officers. Subdivision 1. The city shall provide and assign to the court a sufficient number of police officers, who shall be approved by a majority of the judges and who shall obey the mandates and serve the process of the court and the traffic bureau and preserve order in court.

Subd. 2. No police officer shall serve or receive for service any summons or other paper in any forcible entry, unlawful detainer or civil action until the complaint has been filed with the clerk. The police officer to whom a summons or other paper is delivered for service shall make a prompt return to the clerk showing whether or not it has been served and if not served the reason therefor.

Subd. 3. The fees and mileage of police officers in civil actions and actions of forcible entry and unlawful detainer are the same as those payable to the sheriff of Hennepin County for like services. The fees and mileage for all other services of police officers shall be fixed by rules promulgated by a majority of the judges. The fee provided for by Chapter 349 of the Laws of 1953 is not payable. No fees or mileage are payable by the state, county or city to police officers for their services, except that the city may pay police officers for automobile mileage within the limits provided by law when the officers furnish automobiles for use in the performance of their duties. Police officers shall make returns showing their fees and mileage after performing such services. The amount of the police officers' fees and mileage is payable to the clerk in advance.

Subd. 4. Except as provided in subdivision 3 above, such police officers shall be paid for their services only the compensation payable to them by the city as police officers. If any fee, gratuity, or reward is paid to any police officer for his services while on duty as an officer of the court, he shall forthwith pay it over to the clerk of court for the use of the city. Failure to do so is a misdemeanor and is punishable by a fine not exceeding \$100, or by imprisonment in the county jail or city workhouse for not more than 30 days.

Sec. 7. Petit jurors. Subdivision 1. Petit jurors for the trial of all types of actions shall be selected as provided in Subdivisions 2 through 6, or as provided in Subdivision 7.

Subd. 2. Before the first day of September in each year the judges shall select from the qualified electors of the City of Minneapolis a list of persons properly qualified to serve as

petit jurors and certify the list to the clerk of the municipal court. If there be a deficiency of persons on the list, the judges may select from the qualified electors of the city additional persons to cover the deficiency and certify and deliver to the clerk a supplementary list which shall thereafter stand as part of the original list. The validity of the selection is not affected by the fact that any person selected is disqualified from serving as a juror.

Subd. 3. Petit jurors shall be drawn from such list and summoned as the judges direct. The clerk shall issue venirees for the jurors drawn which shall be returnable on such dates and hours as the judges direct. No person shall be drawn as a juror more than once in two years.

Subd. 4. Failure to attend as a juror when duly drawn and summoned is punishable as contempt of court.

Subd. 5. When necessary the court may issue a special venire.

Subd. 6. Jurors shall be paid out of the county treasury the same compensation and mileage as jurors in the district court of Hennepin County. The clerk of the municipal court shall deliver to each juror a certificate showing the number of days of service and the mileage for which he is entitled to receive compensation. This certificate shall be filed with the county auditor who shall issue his warrant on the county treasurer for the amount due. The certificate is a proper and sufficient voucher for the issuance of the warrant. Any juror regularly summoned who actually attends at the time named in such summons is entitled to his per diem and mileage whether or not sworn as a juror.

Subd. 7 (a) If a court rule so providing is adopted by a majority of the judges of said district court and also by a majority of the judges of the municipal court, all petit jurors to serve in the municipal court of the City of Minneapolis may be selected from the petit jurors summoned for jury service by the district court of Hennepin County.

(b) The rule may provide the manner in which jurors for the municipal court shall be selected from the jurors summoned by the district court and the period of time during which they shall serve in municipal court.

(c) The rule may be amended by a majority of the judges of the district court and a majority of the judges of the municipal court. It may be rescinded entirely at any time by a majority of the judges of either court.

(d) the rule may be made effective on any date and shall then supersede any jury list for municipal court theretofore in effect. If the rule be rescinded the judges of municipal court may reinstate any jury list drawn for that year by the judges of municipal court or prepare a new jury list.

(e) The petit jurors summoned for service in both courts shall have the same qualifications and shall be selected by the district court under the same procedure as is now provided by law for selecting jurors for service in the district court. Jurors who serve in municipal court under this subdivision need not be qualified electors of the City of Minneapolis but need only be qualified to serve as jurors in the district court of Hennepin County.

(f) Jurors shall report to and be excused, governed, instructed and controlled by a judge of either the district court or the municipal court as provided in the court rule.

Sec. 8. Traffic violations bureau. Subdivision 1. The establishment of the existing traffic violations bureau is hereby confirmed and said bureau is continued for the purposes of this act.

Subd. 2. (a) The clerk of municipal court shall supervise the traffic violations bureau. Subject to approval by a majority of the judges the clerk shall assign one or more deputy clerks to discharge and perform the duties of the bureau.

(b) A majority of the judges shall issue rules governing the duties and operation of the bureau. These rules shall specify the violations for which fines may be paid to the bureau without appearance before a judge and shall set the fine for each such violation.

(c) The traffic violations bureau shall process all traffic tags, accept all fines payable on traffic tags at the bureau pursuant to the judges' rules, set dates for arraignment on traffic tag charges to be heard in court, arrange for the issuance of warrants where there is a failure to respond to traffic tags, keep proper records and accounts and perform such other and further duties as the judges or the clerk may prescribe.

Subd. 3. The term "traffic tag" means a written or printed notice served upon a person charged with the violation of a traffic law or municipal ordinance, charter provision, rule or regulation or affixed conspicuously to a motor vehicle operated, parked or standing in violation thereof, which requires appearance before the traffic violations bureau within a specified time.

Subd. 4. A person who receives a traffic tag shall proceed as follows:

(a) If a fine for the violation may be paid at the bureau without appearance before a judge, the person charged may pay the fine in person or by mail to the bureau within the time specified in the tag. Such a payment of the fine shall be deemed to be the entry of a plea of guilty to the violation charged and a consent to the imposition of a sentence for the violation in the amount of the fine paid. A receipt shall be issued to evidence the payment and the receipt so issued shall be complete satisfaction for the violation charged in that traffic tag.

(b) When a fine is not so paid, the person charged must appear at the bureau within the time specified in the tag, state whether he desires to enter a plea of guilty or not guilty, arrange for a date for arraignment in court and appear in court for arraignment on the date set by the bureau.

Sec. 9. Pleading, practice, procedure, and forms in civil actions. Subdivision 1. Pleading, practice, procedure, and forms in civil actions are governed by the rules for municipal courts promulgated from time to time by the supreme court of this state or by the statutes governing in the district court of Hennepin County insofar as the rules promulgated by the supreme court do not contain any applicable provision. The provisions of this act relating to pleading, practice, and procedure in civil actions shall be effective as rules of court until modified or superseded by a rule hereafter adopted by the supreme court of this state and upon the adoption hereafter of any rule on the same subject by the supreme court, the provisions of this act, insofar as they are in conflict therewith, shall be of no further force or effect.

Subd. 2. A majority of the judges may adopt rules governing pleading, practice, procedure and forms for civil actions which are not inconsistent with the provisions of this act, the rules for municipal courts promulgated from time to time by the supreme court of Minnesota or governing statutes.

Subd. 3. (a) A party desiring to place a cause upon the calendar for trial after issue is joined shall serve a note of issue on all other parties and file it with the clerk, with proof of service, within ten days after service. The note of issue shall state whether the issues are of law or fact, whether trial by jury is demanded or waived, whether a jury of 12 or six is demanded and the name and address of the respective counsel.

(b) If any other party to the action desires a trial by jury when none is demanded in the note of issue served upon

him or if any other party desires trial by a jury of 12 when a jury of six is demanded in the note of issue served upon him, then he shall serve a demand for trial by a jury of six or 12 persons on all other parties to the action and file it with the clerk, with proof of service, within ten days after the note of issue was served upon him.

(c) The party demanding a jury trial shall pay to the clerk a jury fee of \$3 for a jury of six or \$5 for a jury of 12 at the time of filing his note of issue or demand. If a party demands a jury of 12 when the note of issue previously served demanded a jury of six, he shall pay a fee of \$2 to the clerk at the time of filing his demand.

(d) If a jury of six or 12 persons is not demanded at the time and in the manner provided in this act, all parties waive trial by a jury of six or 12, as the case may be. Jury trial may be waived also in the manner provided by rule 38.02 of the rules for municipal courts promulgated by the Supreme Court of Minnesota, as amended from time to time.

Subd. 4. In any civil action, after six months of deliberation, the agreement of five-sixths of any jury is a valid verdict. The deliberation of the jury commences when the officer taking charge of the jury has been sworn. The clerk shall enter that time in his records.

Subd. 5. Costs shall be allowed in civil actions as follows:

(a) To the plaintiff upon a judgment in his favor when an issue of fact or law has been joined:

(1) \$10 when the amount of the judgment or the value of the property recovered in a replevin action, exclusive of costs and disbursements, exceeds \$150;

(2) \$5 in all other cases.

(b) \$5 to the plaintiff upon a judgment in his favor when no issue of fact or law has been joined and the amount of the judgment or the value of the property recovered, exclusive of costs and disbursements, exceeds \$150.

(c) To the defendant upon judgment in his favor on the merits:

(1) \$10 when the amount claimed in the complaint or the alleged value of the property involved in a replevin complaint exceeds \$150;

(2) \$5 in all other cases.

(d) \$5 to the defendant upon a dismissal or discontinuance other than on the merits, regardless of the amount claimed or the value of the property involved.

Subd. 6. In civil actions the court may:

(a) Grant a new trial to all or any of the parties and on all or part of the issues,

(b) Grant a motion for judgment notwithstanding the verdict or notwithstanding the jury has disagreed and been discharged,

(c) Open the judgment if one has been entered,

(d) Take additional testimony in a case tried without a jury,

(e) Amend findings of fact and conclusions of law, make new findings and conclusions, and direct entry of a new judgment,

(f) Correct clerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission, or

(g) Relieve a party or his legal representative from a final judgment, order or other proceeding.

Subd. 7. (a) No judgment of the municipal court shall attach as a lien upon real estate unless and until a transcript thereof is filed and docketed in district court.

(b) Any person who holds a judgment for an amount exceeding \$10, exclusive of interest and costs, may obtain from the clerk a certified transcript of such judgment and may file the transcript in the office of the clerk of the district court of Hennepin County, who shall file and docket it as in case of transcripts of judgments from the courts of justice of the peace;

(c) Upon the filing and docketing of the certified transcript, the judgment becomes a lien upon the real estate of the debtor to the same extent as a judgment of the district court and the judgment thereafter is exclusively under the control of the district court and may be enforced by its process as though originally rendered by the district court.

(d) The clerk of municipal court shall not issue such a certified transcript while a writ of execution is outstanding on the judgment. He shall note on the record of such judgment the fact that such transcript has been given and shall not thereafter issue any writ of execution on the same judgment.

Subd. 8. Writs of replevin, attachment and execution may be issued in accordance with the practice and procedure for such writs in district court, but a judge rather than a sheriff or police officer shall approve all bonds requiring approval.

Subd. 9. When a writ of execution has been delivered to an officer for enforcement, any person indebted to the judgment debtor may pay the amount of such debt, or so much thereof as may satisfy the execution, to the officer holding the writ and the receipt of that officer reciting the facts is a sufficient discharge and satisfaction of so much of said debt as is so paid.

Subd. 10. Proceedings against garnishees may be instituted in the same manner as in the district courts of the state. The garnishment summons may be served either by an officer or any person not a party to the action, at any place within the State of Minnesota, and the service shall in all cases be personal. Notwithstanding any other law, such service shall become null and void and ineffective for any purpose unless not later than one day after such service the original or a copy of the summons and complaint in the main action between the parties is filed in the office of the clerk of said court. Any judge may issue an order *ex parte* dismissing a garnishment and discharging the garnishee upon a showing by certificate of the clerk that the summons and complaint have not been filed within the period of time herein required. The disclosure of the garnishee shall be made and all further proceedings had in the same manner as if the proceedings were in the district court, but the summons shall require disclosure within ten days after service, and service upon the defendant shall be made not later than ten days after the service on the garnishee.

Sec. 10. **Pleading, practice, procedure, and forms in criminal proceedings.** Subdivision 1. Save as otherwise provided in this act, pleading, practice, procedure and forms in actions or proceedings charging violation of a criminal law or a municipal ordinance, charter provision, rule or regulation are governed by the statutes and common law rules which govern in a similar action or proceeding in the district court of Hennepin County (other than those applying peculiarly to felony or gross misdemeanor charges) or by statutes which govern in courts of justices of the peace in the absence of statutes or common law rules governing in said district court.

Subd. 2. A majority of the judges may adopt rules governing pleading, practice, procedure and forms in actions or proceedings charging violation of a criminal law or a municipal ordinance, charter provision, rule or regulation which

are not inconsistent with the provisions of this act or any other statute of this state.

Subd. 3. Complaints charging violation of a criminal law of this state or a municipal ordinance shall be sworn to before the clerk or any judge of the court and shall be filed with the clerk.

Subd. 4. When a person charged with violating a municipal ordinance, charter provision, rule or regulation is brought or voluntarily appears before the court without process, the clerk shall enter upon the records a brief statement of the offense charged. This brief statement stands in place of a complaint, but if any judge so orders, a formal complaint shall be made and filed.

Subd. 5. The plea of the defendant shall be "guilty" or "not guilty." In case of a failure to plead, the clerk shall enter a plea of "not guilty." Former acquittal or conviction for the same offense may be proved under a plea of "not guilty."

Subd. 6. A charge of violation of any municipal ordinance, charter provision, rule or regulation shall be heard, tried and determined by a judge without a jury and the defendant shall have no right to a jury trial on such a charge.

Subd. 7. The clerk or any judge of the court may issue warrants.

Subd. 8. (a) At the time of imposing sentence, the judge, in his discretion, may stay execution of the sentence for a period not exceeding one year upon such terms and conditions, including probation, as he may deem proper or may order release on parole after part of the sentence has been served. The parole shall be for a period not exceeding one year from the date of commitment and on such terms and conditions, including probation, as the judge may deem proper.

(b) At the time of imposing sentence or at any time thereafter, the sentencing judge, or any other two judges when the sentencing judge is not available, may suspend forever the execution of any sentence or the balance of any sentence which has been executed in part.

(c) When a person has been committed to the city workhouse or county jail, any two of the judges (including the sentencing judge as one of the two, if he is available), in their discretion, may order the release of such person on parole after part of the sentence is served when satisfied that he will thereafter keep the peace and be of good behavior. The parole shall be for a period not exceeding one year from the

date of commitment and on such terms and conditions as the two judges deem proper. If a request for parole is denied by any judge then parole of that person may be granted thereafter only by order of a majority of all the judges.

(d) If any person violates any terms or conditions of a stay, parole or probation, or commits a subsequent violation of any law, charter provision or ordinance, any judge may revoke the stay, parole or probation and cause such person to be arrested and committed for the sentence originally imposed or the balance thereof if a portion of the sentence has been previously served. The revocation may be based on such showing, oral or written, sworn or unsworn, as the judge deems sufficient, and may be made without notice or hearing.

Subd. 9. Any judge may set the amount of bail for any violation of a law of this state or a municipal ordinance, charter provision, rule or regulation for which bail is allowed under the laws of the state. A bail bond in such amount may be posted or the person to give bail, in lieu of bail bond, may deposit with the clerk a sum of money equal to the amount of the bail so fixed.

Subd. 10. The clerk shall keep minutes of preliminary hearings on indictable offenses and make proper return to the court before which the person charged with the offense may be bound to appear.

Subd. 11. Except where the county attorney is specifically designated by law as the prosecutor for the particular violation charged, the city attorney of the City of Minneapolis shall have charge of the prosecution of all violations of the state laws and municipal charter provisions, ordinances, rules and regulations triable in the municipal court and shall prepare complaints for said violations.

Sec. 11. **Forcible entry and unlawful detainer actions.** Subdivision 1. Return days for forcible entry and unlawful detainer actions may be fixed by rule promulgated by a majority of the judges.

Subd. 2. Minnesota Statutes, Section 566.01 through 566.16 apply to the court. The forms therein prescribed, with appropriate modifications, may be used.

Subd. 3. Whenever a duly verified complaint in an action of forcible entry or unlawful detainer shows one of the causes of action set forth in Minnesota Statutes, Section 566.03 and on the return day of the summons the defendant does not appear, the judge, upon proof of the due service of the summons, shall enter an order adjudging the defendant

to be in default, and thereafter the clerk shall enter judgment for the plaintiff without the introduction of evidence.

Sec. 12. Subdivision 1. This act takes effect on May 1, 1955.

Subd. 2. The following acts and sections of acts are hereby repealed:—

Special Laws of 1874, Chapter 141
 Special Laws of 1875, Chapter 4
 Special Laws of 1877, Chapter 178
 Special Laws of 1878, Chapter 65
 Special Laws of 1879, Chapter 87
 Special Laws of 1883, Chapters 48, 49 and 55
 Special Laws of 1885, Chapter 74
 Special Laws of 1887, Chapter 21
 Special Laws of 1889, Chapter 34
 Special Laws of 1891, Chapter 139
 Special Laws of 1901, Chapter 387
 Special Laws of 1903, Chapter 412
 Laws of 1907, Chapter 465
 Laws of 1909, Chapters 20 and 225
 Laws of 1911, Chapter 126
 Laws of 1913, Chapters 424 and 517
 Laws of 1915, Chapter 299
 Laws of 1917, Chapters 179, 407 and 482
 Laws of 1919, Chapters 303 and 331
 Laws of 1921, Chapter 201
 Laws of 1923, Chapters 370 and 413
 Laws of 1927, Chapters 130, 410 and 424
 Laws of 1929, Chapters 128 and 129
 Laws of 1937, Chapter 273
 Laws of 1939, Chapter 232
 Laws of 1941, Chapters 30, 91 and 156
 Laws of 1943, Chapters 147, 250, 450 and 461
 Laws of 1945, Chapters 232, 387
 Laws of 1947, Chapters 441, 442, 443, 444 and 618
 Laws of 1949, Chapters 217, 322, 363, 560, 567 and 579
 Laws of 1951, Chapters 276, 277, 494 and 527
 Laws of 1953, Chapters 3, 242, 263, 363, and 708 and Section 7 of Chapter 11

Sub. 3. This act does not affect the validity of any judgment or order made or any other action taken prior to the effective date of this act under any repealed acts and does not affect the pendency of any action or proceeding instituted before the effective date of this act.

Subd. 4. The provisions of this act govern all actions and proceedings brought after it takes effect and also all further proceedings in actions then pending except to the extent that in the opinion of the judge their application in a particular pending action would not be feasible, or would work injustice, in which event the provisions existing at the time the action was brought govern.

Subd. 5. The appointments of the present clerk and deputy clerks, probation officers and court recorders are continued in effect. Their services after the effective date of this act are under and subject to the provisions of this act, except that any appointment for a specific period made prior to the effective date of this act may be terminated prior to the expiration of that specific period only for cause and by a majority of the judges. The titles of the present probation officer and assistant probation officer are changed to chief probation officer and assistant chief probation officer respectively.

Approved March 22, 1955.

CHAPTER 216—H. F. No. 118

An act relating to the tax levy for the county road and bridge fund; amending Minnesota Statutes 1953, Section 162.01, Subdivision 5.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1953, Section 162.01, Subdivision 5, is amended to read:

Subd. 5. **Tax levy.** The county board at its July meeting may include in its annual levy an amount for the county road and bridge fund which shall not exceed the amount provided under the following classifications of counties; (a) In counties having more than 300,000 inhabitants, an amount which shall not exceed ten mills on the dollar of the taxable valuation of the county; (b) In counties with a population of more than 100,000 and not more than 300,000 inhabitants according to the 1940 federal census, an amount which shall not exceed 12 mills on the dollar of the taxable valuation of the county; (c) In counties with a population of less than 100,000 inhabitants, an area of more than 2500 square miles and a taxable valuation in excess of \$10,000,000 or more, an amount which shall not exceed 15 mills on the dollar of the taxable valuation of the county not including the additional levy provided by Laws 1953, Chapter 173; (d) In counties not within