

101.44 **Frogs, season, regulation, licenses.** Except as otherwise permitted, frogs may not be taken or possessed during the months of April and the first 15 days of May. During the open season, frogs not exceeding six inches in length, measured from tip of nose to tip of hind toes, legs fully extended, may be possessed in any numbers, bought, sold, and transported for angling purposes only. *Except as otherwise provided under commissioner's regulations*, not to exceed 150 frogs over six inches in length may be possessed in or transported through the state, except by common carrier, but frogs or parts thereof, lawfully taken outside of the state, may be imported into this state by common carrier and may be possessed in any quantity and sold during the open season. It shall be unlawful to use cloth screens or other similar contrivances in catching frogs. Provided, the taking of frogs may be prohibited in such areas of the state and during such periods as the commissioner may by order prescribe. Provided, further, that no person shall be permitted to take or possess frogs unless legally entitled to take fish within the state. *The commissioner shall establish regulations dealing with the purchase, possession and transportation of frogs for purposes other than bait. The fee for this license shall be \$25. Only residents may obtain this license. The commissioner may issue licenses to residents to take, possess, transport and sell frogs for purposes other than bait. The license fee shall be \$2.50.*

Approved April 16, 1959.

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CHAPTER 296—S. F. No. 1095

[Not Coded]

*An act relating to the municipal court of the City of Duluth; authorizing the classification of certain employees of the municipal court of the City of Duluth; amending Laws 1928, Chapter 238, Section 2, as amended; Section 6, as amended; Section 11, as amended; and Section 52, as amended.*

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

Section 1. Laws 1928, Chapter 238, Section 2, as amended by Laws 1955, Chapter 200, Section 1, is amended to read:

Sec. 2. **Jurisdiction.** Said court shall have jurisdiction to hear, try and determine civil actions and proceedings as follows:

- (1) Any action arising on contract for the recovery of

money only, if the sum claimed does not exceed \$4,000, exclusive of interest accruing after commencement of said action, and costs and disbursements.

(2) Any action for damages for an injury to the person, or to real property, or for taking, detaining or injuring personal property, if the damages claimed, or, in replevin, the value of the property in controversy, does not exceed \$4,000, exclusive of interest accruing after the commencement of said action, and costs and disbursements.

(3) Any action for a penalty, given by statute, not exceeding \$4,000, exclusive of interest accruing after the commencement of said action, and costs and disbursements.

(4) Any action upon a bond, conditioned for the payment of money, not exceeding \$4,000, exclusive of interest accruing after the commencement of said action, and costs and disbursements, though the penalty exceeds that sum, the judgment to be given for the sum actually due. When the payments are to be made by installments, an action may be brought for each installment as it becomes due.

(5) Any action upon official bond, or bond taken in said court, if the penalty does not exceed \$4,000.

(6) To take and enter judgment on the confession of a defendant, when the amount does not exceed \$4,000, exclusive of interest accruing after the commencement of said action, and costs and disbursements.

(7) To hear and determine all questions that may arise in actions before it under Minnesota Statutes 1953, Chapter 566 and the amendments thereto, relating to forcible entries and unlawful detainer, whether involving the title to real estate or otherwise.

(8) Said court shall also have all the powers and jurisdiction conferred by law upon justices of the peace in this state.

Sec. 2. Laws 1928, Chapter 238, Section 6, as amended by Laws 1941, Chapter 300, Section 2; Laws 1955, Chapter 200, Section 2; and Laws 1957, Chapter 255, Section 1, is amended to read:

Sec. 6. **Judges, term, election.** Subdivision 1. There shall be two judges of said municipal court, the term of office of each of which is six years. On the first Tuesday in April, 1957, and every six years thereafter, two judges of said court shall be elected. Each judge shall assume the duties of the

office for which he is elected on the second Monday next succeeding his election at 12 o'clock noon.

Subd. 2. After the first Tuesday in April, 1957, when the 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 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 Duluth to which (name of judge) was elected for a regular term" or "for the office of judge of the municipal court of the city of Duluth to which (name of judge) was appointed," as the case may be. The official ballots shall show in the spaces for the purpose the name of the judge whose successor is to be elected. When any judge is a candidate to succeed 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 (name of judge), elected" or "successor to (name of judge), appointed," as the case may be. Each person desiring to have his name placed on 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 constitutes 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. 3. *There shall also be a special judge of said municipal court, having the same powers and qualifications as said other judges, and whose term of office and election thereto, and the filling of any vacancy, shall be the same as those of said other judges.* The special judge is empowered to hold court only when directed to do so because of the press of business of said court, or because of the sickness or inability to serve of one of the judges. In case the special judge shall hold court, he shall receive compensation for such service at the rate of \$35 per day. The special judge may practice in the municipal court and act as attorney in any case tried therein except one in which he sits, or is expected to sit, as presiding judge.

Sec. 3. Laws 1923, Chapter 238, Section 11, as amended by Laws 1925, Chapter 85, Section 2; Laws 1949, Chapter 429, Section 1; Laws 1951, Chapter 615, Section 1; and Laws 1955, Chapter 200, Section 5, is amended to read:

**Sec. 11. Deputy clerks, employees; powers, duties.** The clerk of said court, with the consent and approval of the judges shall have the power to appoint a *chief* deputy clerk with like powers of the clerk, but acting under authority of said clerk, *three senior* deputy clerks, *one* to serve as clerk for the conciliation court established pursuant to Laws 1927, Chapter 17, and *two* deputy clerks who shall have like powers as said *senior* deputy clerks. The clerk of said court, under the direction of the judges of said court, may, with the consent and approval of the council of the city of Duluth, appoint one or more additional deputy clerks of said court, in case, in their judgment, necessity therefor arises. Said clerk and deputy clerks shall have full power and authority to administer oaths, swear witnesses and jurors; and said clerk, deputy clerks, probation officer and the bailiffs or court officers shall perform such duties as the judges shall direct and shall have power to serve all process of said court, whether civil or criminal, when directed by the court, and all other powers and authority in this act provided for either thereof, and are vested hereby with the usual powers of constables at common law and with the powers and authority of police officers of the said city of Duluth. If the judges of said court shall so direct, the clerk of said court shall assign one *senior* deputy clerk to assist the probation officer in the performance of his duties. Each of the said deputy clerks before entering upon the performance of the duties of his office shall first take and subscribe an oath in form as prescribed and execute to the city of Duluth for the use and benefit of said city and all persons injured by failure to observe its conditions a penal bond in the sum of \$1,000 with such sureties as the city council may approve, conditioned that he will account and pay over to the clerk of the said court on each day all moneys belonging to or to go to said city, and that he will at all times pay over to said clerk of said court on demand all moneys to which any person may be entitled which may have come into his hands in virtue or by reason of his office. Such bond shall be filed with the same officer as the bond of the clerk.

**Sec. 4.** Laws 1923, Chapter 238, Section 52, as amended by Laws 1925, Chapter 85, Section 7; Laws 1929, Chapter 45, Section 1; Laws 1941, Chapter 300, Section 10; Laws 1943, Chapter 524, Section 1; Laws 1945, Chapter 361, Section 1; Laws 1947, Chapter 426, Section 1; Laws 1949, Chapter 429, Section 2; Laws 1951, Chapter 615, Section 4; and Laws 1955, Chapter 200, Section 12, is amended to read:

**Sec. 52. Salaries. Subdivision 1.** The salary of the judges of said municipal court shall be \$12,000 per annum.

*Subd. 2.* The salary of the clerk of said municipal court shall be \$7,800 per annum and the salary of the probation officer shall be \$7,200 per annum. The salary of the chief deputy clerk shall be \$6,084 per annum. The salary of the senior deputy clerks herein provided for shall be \$5,508 each per annum. *The salary of the deputy clerks shall be \$5,340 per annum.* In case additional deputy clerks shall be appointed with the consent and sanction of the city council of the city of Duluth, as provided in section 11 of this act, the said city council shall fix the compensation of the deputy or deputies so appointed.

*Subd. 3.* The salary of the official court reporter appointed under section 14 of this act shall be \$7,200 per annum. The salary of each officer shall be payable from the city treasury of Duluth in semi-monthly installments, and neither of said officers shall receive any fee or compensation except as herein provided.

*Sec. 5.* *Subject to the civil service provisions contained in chapter V of the charter of the city of Duluth, all employees of the municipal court of the city of Duluth, except the clerk of the municipal court, the probation officer of the municipal court, and the court reporter of such court, shall be placed within the classified service of the city of Duluth within four months from the date when this act takes effect, or as soon thereafter as is practicable.*

*Sec. 6.* *Immediately upon the taking effect of this act, it shall be the duty of the clerk of such court to furnish the civil service board of the city of Duluth a list of the employees of the municipal court, together with a statement of the duties performed by them and the salaries paid to them, and it shall thereupon become the duty of the civil service board to classify such employees under the rules of such civil service board.*

*Sec. 7.* *All said employees, who at the time of the taking effect of this act are regularly employed by such municipal court shall automatically receive a civil service status without examination and shall retain any and all accrued sick leave or vacation time as though they had been previously under said civil service.*

*Sec. 8.* *Section 4 of this act takes effect on January 1, 1959.*

*Sec. 9.* *Sections 5, 6 and 7 of this act shall become effective only after its approval by a majority of the governing body of the City of Duluth.*

Approved April 16, 1959.

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