

(e) The attributable amount of *the state highway department and of the division of game and fish respectively* of the cost of operating the office of the public examiner is the amount expended by the office for salaries, supplies and expense in connection with auditing the department of highways or the division of game and fish.

(f) When the commissioner of administration has determined the total attributable amount of the cost of the offices and departments enumerated in this subdivision, he shall certify the amount so determined to the state auditor. The several amounts so certified by the commissioner of administration are hereby appropriated from the trunk highway fund *in the case of the department of highways and from the game and fish fund in the case of the division of game and fish* to the general revenue fund in the state treasury as a reimbursement of moneys expended from the general revenue fund by the several state officers and departments enumerated in this subdivision for salaries, supplies and expense expended for services, supplies and expense attributable to highway and to game and fish matters. Upon receipt of the certification of the commissioner of administration, the state auditor shall transfer from the trunk highway fund *and from the game and fish fund* to the general revenue fund in the state treasury the amount certified by the commissioner of administration, and the state auditor is authorized and directed to make the appropriate entries in the records of the respective funds. The commissioner of administration shall transmit a duplicate original of the certification to the state treasurer who is authorized and directed to make the appropriate entries in his records.

Approved April 24, 1959.

CHAPTER 668—H. F. No. 1276

[Not Coded]

An act relating to the conciliation and municipal courts of the City of Saint Paul; increasing the jurisdiction thereof; fixing the salaries of the judges, clerks, deputy and assistant clerks and stenographer-reporter thereof; providing for psychiatric services for the court; increasing fees thereof; regulating stenographer's fees; amending Special Laws 1889, Chapter 351, Section 1, as amended; Section 7, as amended; Section 17, as amended; Section 22, as amended; Section 39;

Section 47, as amended; amending Laws 1921, Chapter 525, Section 7, as amended.

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

Section 1. Special Laws 1889, Chapter 351, Section 1, as amended by Laws 1921, Chapter 362, Section 1; Laws 1929, Chapter 423; Laws 1945, Chapter 458, Section 1; Laws 1949, Chapter 548, Section 1; Laws 1957, Chapter 782, Section 1; and Laws 1957, Chapter 927, Section 1, is amended to read:

Section 1. **Court established; jurisdiction.** The municipal court now existing in the City of Saint Paul, in the County of Ramsey and State of Minnesota is hereby confirmed, continued and established as a court for the transmission of all judicial business which may lawfully come before it.

Said Court shall be a court of record and shall have a clerk and a seal and shall have jurisdiction to hear, try and determine civil actions at law where the amount in controversy does not exceed \$3,000, and interest and costs, except as hereinafter provided.

The jurisdiction of the court shall not extend to any civil action involving the title to real estate, save and except an action brought under and pursuant to Minnesota Statutes 1953, Sections 566.01 through 566.17, relating to forcible entry and unlawful detainer, nor to any action for divorce, nor to any action wherein the relief demanded in the complaint is equitable in its nature.

That said court shall have exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases arising or triable within the City of Saint Paul heretofore cognizable before a justice of the peace or arising under the charter, ordinances, laws, regulations or by-laws of said City of Saint Paul, and shall also have concurrent jurisdiction with the justice courts to hear all complaints and conduct all examinations and trials for crimes committed outside of the corporate limits of the City of Saint Paul, but within the limits of the County of Ramsey.

Sec. 2. Special Laws 1889, Chapter 351, Section 7, as amended by Laws 1953, Chapter 657, Section 1, is amended to read:

Sec. 7. **Powers of judge.** Each judge of said municipal court shall have the general powers of judges of courts of record and may administer oaths, take and certify acknowl-

edgments in all cases and as a conservator of the peace shall have all power and authority which is or may hereafter be vested in justices of the peace, or any other judicial officer of this state.

He shall see that the criminal laws of this state, and the ordinances, laws, regulations and by-laws of said city are observed and executed; and for that purpose one (1) of said judges shall open the court every morning (Sunday and legal holidays excepted) and proceed to hear and dispose of, in a summary manner, all cases which shall be brought before him by the police officers of the city or otherwise, either with or without process, for the violation of the criminal laws of this state committed within the County of Ramsey, or of the ordinances, laws, regulations and by-laws of said city.

The senior judge of this court shall be chief judicial magistrate of the city.

The judges of Municipal Court shall be and hereby are authorized to expend a sum not to exceed \$3500 to secure from the American Bar Association a survey of the Traffic Violations Bureau established by order of the Municipal Court, dated October 1, 1952. Such survey shall be for the purpose of instituting efficient and economical business methods and procedures in said Bureau by the proper utilization of personnel, business forms, and business machines.

If the judges of Municipal Court so direct, the Comptroller and Council of the City of St. Paul shall appropriate whatever sums are necessary to secure such survey, not exceeding \$3500.

The judges of Municipal Court shall be and hereby are authorized to expend a sum not to exceed \$7500 in any one year to secure such psychiatric, psychological and medical services as shall be deemed advisable by said judges in making disposition of such misdemeanants as shall come before the court.

If the judges of Municipal Court so direct, the Comptroller and Council of the City of St. Paul shall appropriate whatever sums are necessary to secure such services, not exceeding \$7500 in any one year.

Sec. 3. Special Laws 1889, Chapter 351, Section 17, as amended by Laws 1921, Chapter 362, Section 3; and Laws 1949, Chapter 548, Section 3, is amended to read:

Sec. 17. **Stenographers — Fees.** When the official

reporter of said court shall be required by any of the parties to an action, proceeding or examination to transcribe his record into ordinary longhand or typewriting, the parties requiring such transcript shall pay to such reporter the same amount per folio of one hundred words for said transcript, and each copy thereof, as is now or shall hereafter be prescribed as the compensation to be paid court reporters of the District Court of Ramsey County for similar work; but the court may order and direct the reporter to furnish such transcripts free of charge for the use of the court, whenever in the furtherance of justice either of the judges thereof may deem the same necessary.

Sec. 4. Special Laws 1889, Chapter 351, Section 22, as amended by Laws 1949, Chapter 548, Section 4; Laws 1957, Chapter 782, Section 3; and Laws 1957, Chapter 927, Section 3, is amended to read:

Sec. 22. **Counter-claims in excess of jurisdiction — Equitable defenses.** Whenever a counterclaim in excess of \$3,000, or where any equitable defense or ground for equitable relief is interposed; or where it appears that the title to real estate is involved save and except an action brought under and pursuant to Minnesota Statutes 1953, sections 566.01 through 566.17, relating to forcible entry and unlawful detainer, said court shall immediately cause an entry of the fact to be made of record and cease all further proceedings in the case, and within 20 days thereafter certify and return to the district court of said county of Ramsey a transcript of all entries made in the record relating to the case, together with all process and other papers relating to the suit; and thereupon said district court shall proceed in the cause to the final judgment and execution according to law, the same as if said suit had been originally commenced in the district court, and the costs shall abide the event of the suit.

Sec. 5. Special Laws 1889, Chapter 351, Section 39, is amended to read:

Sec. 39. **Clerk's and officer's fees.**

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

1. *\$3 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 entered.*

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 demand of trial by jury of six. \$5 for demand of trial by jury of twelve. This fee shall be paid by the party demanding such jury trial and at the time of such demand.*

(b) *Except as provided in paragraph (a), the fees payable to the clerk for his services shall be no more in amount than the fees then payable to the clerk of the district court of Ramsey 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.*

Sec. 6. Special Laws 1889, Chapter 351, Section 47, as amended by Laws 1907, Chapter 302; Laws 1913, Chapter 430, Laws 1919, Chapter 308, Section 2; Laws 1921, Chapter 362, Section 4; Laws 1925, Chapter 371; Laws 1945, Chapter 458, Section 2; Laws 1947, Chapter 520, Section 1; Laws 1949, Chapter 548, Section 6; Laws 1951, Chapter 604, Section 1; Laws 1953, Chapter 658, Section 1; Laws 1955, Chapter 709; Laws 1957, Chapter 782, Section 4; and Laws 1957, Chapter 927, Section 4, is amended to read:

Sec. 47. **Police officers, bailiffs, clerk hire, salaries of judges and clerks.** It shall be the duty of the mayor, or other legally constituted officer or body having supervision and control of the police department and officers of said City, to see that a sufficient number of police officers, including an officer in command, are always in attendance upon said court at its criminal sessions, and such other times and places as the court may direct, in readiness to obey its mandates and preserve order during the proceedings. And said mayor or other legally constituted officer or body, having supervision and control of said police department and police officers of said city, shall have the power, in his or its discretion, to appoint not exceeding three persons approved by the judges of said municipal court, as policemen for special attendance and duty in said court irrespective of the general rule or legal regulations or enactments relative to the qualifications of policemen, but such persons shall receive the same, but no

greater compensation unless the common council directs greater compensation than ordinary police, and they shall be known as bailiffs and such bailiffs and policemen attending said court may be required to give bond to said city in such sums as the council shall direct for the faithful performance of their duties; such bond to be for the use of all persons interested, provided, however, that nothing herein contained shall affect the powers and duties of the general police in said court. And such police officers, bailiffs, and commanding officers, and all other policemen, police officers and bailiffs, shall at all times when in attendance upon said court, be subject to the orders and authority and control of said court, irrespective of the authority or orders of any other official body.

The clerk of said municipal court shall have power with the consent of the judges to appoint, in addition to the deputy clerk in this act provided for, two assistant clerks to be known as assistant clerks, who shall have like powers as said deputy clerks, but shall act under the authority of said clerk. Said clerk, deputy clerk, and assistant clerks shall have full power and authority to administer oaths, swear witnesses and jurors and take acknowledgements, and said clerk, deputy clerk, assistant clerks and bailiffs shall perform such duties as the clerk or judges shall direct in completing the work of the office, 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 hereby vested with the usual powers of constables at common law and authority and powers of police officers of said city of Saint Paul. If the judges of said court shall so direct one of said assistant clerks shall have the qualifications of a stenographer, and shall perform such duties in that regard as the judges prescribe. Such direction or qualification, however, shall not in any way affect the provisions of this act in reference to the official stenographer.

Each of said assistant clerks before entering upon the performance of the duties of his office shall first take and subscribe an oath in form as prescribed in Section 10 of this act, and execute to the city of Saint Paul for the use and benefit of all persons injured by failure to observe its conditions a penal bond in the sum of \$1,000, with such sureties as the common council may approve, conditioned that he will account to and pay over to the clerk or deputy clerk of 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 or deputy 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 bonds shall be filed with the same officer as the bond of the clerk.

The judges of said court shall each receive a salary of \$13,000 per year; the clerk of said court a salary of \$8,640 per year; the deputy clerk of said court a salary of \$7,020 per year; one assistant clerk a salary of \$4,860 per year; and one assistant clerk a salary of \$4,860 per year; and the stenographer reporter shall receive a salary of \$6,750 per year; such salaries being payable in each case out of the city treasury of the City of Saint Paul in equal semi-monthly installments; provided, however, that the increased salaries for the clerk, deputy clerk, two assistant clerks and the stenographic reporter, shall remain in effect until July 1, 1961.

In addition to the clerks heretofore provided for under Section 47 of the Laws of 1921, the clerk of said municipal court shall have power with the consent of the judges, to appoint two or more assistant clerks when authorized to do so by the council of the city of Saint Paul, and at such compensation as may be ordered by said council of the City of Saint Paul, said additional clerks shall perform such duties as the clerk or judges shall direct in completing the work of the office and all other powers and authority in this act provided for. Each of the said additional assistant clerks before entering on the performance of the duties of his office shall first take and subscribe an oath in form as prescribed in Section 10 of the act and execute to the city of Saint Paul for the use and benefit of all persons injured by failure to observe its conditions, a penal bond in the sum of \$1,000 with such sureties as the common council may approve, conditioned that said clerks will account to and pay over to the clerk or deputy clerk of said court on each day all moneys belonging to or to go to said city, and that they will at all times pay over to said clerk or deputy 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. 7. Laws 1921, Chapter 525, Section 7, as amended by Laws 1929, Chapter 346, Section 4; and Laws 1955, Chapter 732, Section 1, is amended to read:

Sec. 7. Removal of cause to municipal court.

(a) Any person aggrieved by the judgment rendered by said conciliation judge, under section five of this act, and

who is entitled to a jury trial under the constitution, may have the case removed to said municipal court for trial by jury or by the court without a jury, but no case shall be so removed, unless within ten days after such judgment is rendered, and after the clerk shall have mailed notice of the entry of said judgment to each of the parties thereto, (which notice shall be mailed immediately and shall specify the day on which the time for removal of said cause will expire) the party so removing same shall do the following, to wit:

(1) File with said judge a bond executed by the party demanding the removal, his agent or attorney, to the adverse party in a sum sufficient to secure the amount of such judgment, and costs in such municipal court with sufficient surety to be approved by said conciliation judge, conditioned that the party so removing same shall prosecute said case with effect in said municipal court and abide the order of the court therein and pay any judgment that may be rendered against him therein.

(2) File with said conciliation judge an affidavit of the remover, his agent or attorney, stating that said removal is made in good faith and not for the purpose of delay.

(3) Serve on the opposite party a written demand for trial by court or jury of such removal in the manner now provided by law for the service of summons in said municipal court and file with said judge such original demand with proof of service thereof. Such original demand or proof of service shall show the office address of the attorney of each party, that has such attorney, and the residence address of the party so removing, if he has no attorney, and the residence address of each of the opposite parties who is served with such notice.

(4) Pay to said conciliation judge the sum of one dollar and fifty cents (\$1.50), when said demand for removal is for trial by court; *four dollars and fifty cents (\$4.50)*, when a jury of six is demanded, or *six dollars and fifty cents (\$6.50)*, when a jury of 12 is demanded for fees and costs in said municipal court. If the moving party fails to demand a jury and the adverse party or parties or any of them desire a trial by jury, they shall within five days from the service of the demand for the removal upon them, file a written request therefor with the judge of conciliation court and pay to the judge for a jury fee the sum of *three dollars (\$3.00)* if a jury of six is desired, or *five dollars (\$5.00)* if a jury of 12 is desired. If a jury is not demanded as above provided the jury shall be deemed to have been waived by both parties.

(b) Within ten days after all of said things have been done said conciliation judge shall deposit said \$1.50 if a court case or said \$4.50 if a case for a jury of six, or said \$6.50 if a case for a jury of 12, with the clerk of said municipal court and file with said clerk all of said papers together with a copy of said judgment and a certificate setting out in general terms the claims of the parties thereto before him and the issues tried, and the case shall be tried in said municipal court upon said issues so certified or upon such others as may be stipulated by the parties or ordered by the municipal court or such issues as either party shall demand in writing at the opening of the trial, and a copy of which he has served on the opposite party at least five days before the trials with a notice that such demand will be made.

(c) When said papers are so filed in said municipal court said judgment of the conciliation court and all proceedings thereunder shall be stayed pending said appeal and said case shall be pending in the municipal court and shall be by the clerk set down for trial on the first court or jury trial day at the foot of the calendar of said day, occurring not less than ten days after the papers are so filed in said municipal court, and shall stand for trial without service of any notice of trial or note of issue whatever, except that at least nine days prior to said trial day said clerk shall mail to each party and each attorney in said case whose address appears in said demand for removal or whose address is known, notice that said case is so set down for trial; provided, that if at any time before said jury trial day the parties in any case shall file a written stipulation waiving trial by jury, or if jury trial be waived by oral agreement in open court on the day of trial said clerk shall thereupon set said case for trial by the court on the first court trial day occurring not less than ten days thereafter, and the said case shall then stand for trial without service of any notice of trial or note of issue, save that the clerk shall mail a notice to the parties, and in the manner, above set forth.

(d) When said case is called for trial and the party so appealing appears for trial, the court shall then enter an order vacating the judgment of the conciliation court and said case shall proceed to trial; in case the party so appealing does not appear the stay shall be vacated and the appeal dismissed. If the judgment creditor remove said case and the final judgment rendered is not increased in his favor, at least ten dollars (\$10.00) over the former judgment, he shall recover no costs in said municipal court, and there shall be entered against him in the judgment, an attorney's fee in favor of

the adverse party ten dollars (\$10.00) either by reducing the judgment in his favor in that amount, or if the amount found in his favor be less than ten dollars (\$10.00) by an affirmative judgment against him for the difference. If the judgment debtor remove said case and final judgment is rendered against him, he shall pay the adverse party in addition to the amount and costs, an attorney's fee to be entered and included in the judgment as follows, viz: five dollars in case the judgment so removed was five dollars or less, and said final judgment aside from costs is not reduced from the judgment at least three dollars; ten dollars in case the judgment so removed was ten dollars or less and said final judgment aside from costs is not reduced at least five dollars; fifteen dollars in case the judgment so removed was more than ten dollars, and said final judgment aside from costs is not reduced at least ten dollars. There shall be no appeal from said municipal court on any action brought there on removal from said conciliation court but in such case the judgment of said municipal court shall be final.

Approved April 24, 1959.

CHAPTER 669—S. F. No. 1654

An act relating to public museums, galleries, and schools of arts or crafts and sites therefor in cities of the first class; and to the care, maintenance, use and control thereof; amending Minnesota Statutes 1957, Section 450.25.

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

Section 1. Minnesota Statutes 1957, Section 450.25, is amended to read:

450.25 Museum, gallery, or school of arts or crafts; tax levy. After the acquirement of any museum, gallery or school of arts or crafts, there shall be annually levied and it shall be the duty of the board of park commissioners of the city in which is located any museum, gallery, or school of arts or crafts to cause to be included in the annual tax levy, upon all the taxable property of the county in which is located said museum, gallery, or school of arts or crafts, a tax of .28 of one mill upon each dollar of the assessed valuation of property in the county in which is located said museum, gallery, or school of arts or crafts subject to taxation, and the board shall certify the levy to the auditor of the county in which the museum, gallery, or school of arts or crafts is situated, and the same