PART IV

REDRESS OF CIVIL INJURIES

JUSTICES OF THE PEACE

CHAPTER 530

COURTS OF JUSTICES OF THE PEACE

530.01 JURISDICTION OF JUSTICES OF THE PEACE LIMITED TO COUN-TY; EXCEPTIONS.

Justices of the peace are state officers. Their courts are state courts. Under the constitution the legislature has power to impose on the governor the exclusive right and duty to remove justices of the peace. The council of a city under a home rule charter cannot have that power. State ex rel v Hutchinson, 206 M 446, 288 NW 845; State ex rel v Erickson, 208 M 402, 294 NW 373.

A clerk of the probate court may also serve as justice of the peace. OAG March 3, 1947 (358-D).

The term of a justice of the peace is two years. In case of a vacancy the successor justice is appointed for the full term for which his predecessor was elected. OAG March 11, 1947 (266-a-12).

Judicial immunity of justices of the peace. 5 MLR 482.

530.05 ACTIONS WITHOUT JURISDICTION.

Under the self-executing provisions of Minnesota Constitution, art. 6, s. 8, supplemented by the provisions of section 530.05, and subject to the exceptions noted in section 530.06, a justice of the peace has jurisdiction in civil actions of amounts of $100 or less. A justice of the peace of a city, under section 530.01, where the city lies wholly in one county, has jurisdiction of actions coextensive with the territorial limits of the county wherein he resides. Thomas v Hector Construction Co. 216 M 207, 12 NW(2d) 769.

Right of plaintiff in cases before a justice of the peace to grant jurisdiction by remitting part of liquidated claim. 6 MLR 164.

530.07 ACTION, WHERE BROUGHT.

If the defendant, a non-resident of the county, is served with process in the county in a civil action brought before a justice of the peace at the county seat, jurisdiction is acquired. 1944 OAG 72, Nov. 10, 1943 (266-B-11).

530.09 PROCURING DOCKET; DISPOSITION.

The town board has authority to order and pay for a suitable docket for a justice. OAG July 16, 1946 (266-B-13).