

CHAPTER 484

DISTRICT COURTS

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484.01. JURISDICTION. The district courts shall have original jurisdiction in all civil actions within their respective districts, in all cases of crime committed or triable therein, in all special proceedings not exclusively cognizable by some other court or tribunal, and in all other cases wherein such jurisdiction is especially conferred upon them by law. They shall also have appellate jurisdiction in every case in which an appeal thereto is allowed by law from any other court, officer, or body.

[R. L. s. 90] (154)

484.02. CONCURRENT JURISDICTION; BOUNDARY WATERS. For the purposes of exercising the concurrent jurisdiction of the courts of this state in civil and criminal cases arising upon rivers or other waters which constitute a common boundary to this and any adjoining state, the counties bordering upon such waters shall be deemed to include so much of the area thereof as would be included if the boundary lines of such counties were produced in the direction of their approach and extended to the opposite shore.

[R. L. s. 91] (155)

484.03. WRITS. Such courts shall have power to issue writs of injunction, ne exeat, certiorari, habeas corpus, mandamus, quo warranto, and all other writs, processes, and orders necessary to the complete exercise of the jurisdiction vested in them by law, including writs for the abatement of a nuisance. Any judge thereof may order the issuance of such writs, and direct as to their service and return.

[R. L. s. 92] (156)

NOTE: As to mandamus and quo warranto, See Rules of Civil Procedure, Rule 81.01.

484.04. TESTING WRITS. Every writ or process issuing from a court of record shall be tested in the name of the presiding judge, be signed by the clerk and sealed with the seal of the court, be dated on the day of its issue, and before delivery to the officer for service shall be endorsed by the clerk with the name of the attorney or other person procuring the same; and, when no other time is fixed by law or authorized by the rules of practice, it shall be made returnable on the first day of the next succeeding term.

[R. L. s. 93] (157)

484.05. JUDGE MAY ACT IN ANOTHER DISTRICT. When, in the judgment of any judge of any judicial district, the convenience or interest of the public or the interest of any litigant shall require that the judge of another judicial district shall discharge any of the duties of such judge, such judge may request a judge of the district court of any other judicial district to discharge any such duties; to hold, or to assist in holding, a general or special term of such court, in any county of such judicial district other than his own, or to try and determine any

motion, action, or proceeding pending therein. Thereupon such judge of the district court, or any other judicial district so requested, may discharge any such duties, hold, or assist in holding, a general or special term of such court, or try and determine any motion, action, or proceeding pending therein. By consent of the parties any judge of the court may act in all matters brought before him from another judicial district. The acts, orders, and judgments of the judge so acting shall have the same force and effect as though given by a judge of such judicial district. When no other provision has been made therefor, the clerk shall seasonably notify the governor of the inability of the judge to hold any of his terms.

[R. L. s. 94; 1907 c. 157 s. 1] (158)

484.06 JUDGE NOT TO PRACTICE LAW. No judge of the district court shall practice as an attorney or counselor at law except in cases in which he is a party in interest, nor shall he receive any fees for legal or judicial services other than as prescribed by law; nor shall he be a partner of any practicing attorney in the business of his profession.

[R. L. s. 95] (159)

484.07 COURT NOT OPEN SUNDAY; EXCEPTION. No court shall be opened on Sunday for any purpose other than to receive a verdict, give additional instructions to or discharge a jury; but this provision shall not prevent a judge of such court from exercising jurisdiction in any case where it is necessary for the preservation of the peace, the sanctity of the day, or the arrest and commitment of an offender.

[R. L. s. 96; 1915 c. 38 s. 1] (160)

484.08 DISTRICT COURTS TO BE OPEN AT ALL TIMES. The district courts of the state shall be deemed open at all times, except on legal holidays and Sundays, for the transaction of such business as may be presented, including the issuance of writs and processes, the hearing of matters of law in pending actions and proceedings, and the entry of judgments and decrees therein; and, in addition to the general terms appointed by law to be held, which may be adjourned from time to time, the judge of the district court, or one thereof in districts of more than one judge, may by order filed with the clerk, convene the court in actual session during the vacation period on a date named in the order, for the trial of both civil actions involving public interest and criminal actions, whenever in his judgment public interests will thereby be promoted. When so convened, the court may, by order entered in the minutes by the clerk, direct the issuance of special venirees for grand and petit juries, returnable on a named date, for the performance of such duties as may be submitted by the court in the usual course of procedure. Civil actions involving public interests may be noticed for trial at an adjourned sitting of such term occurring more than eight days after the date of calling same, and informations by the county attorney charging the commission of crimes within the county may, as authorized by law, be presented at such terms, and any such information then presented and filed and all indictments then returned by the special grand jury shall be proceeded with by the court in all respects in harmony with the law applicable to other cases and other terms of the court. The judge of the district court may also, by order filed with the clerk, appoint special terms in any county of the district for the hearing of matters of law.

[1923 c. 412 s. 1] (161)

484.09 FIRST JUDICIAL DISTRICT. Subdivision 1. General terms of district court in the counties named in this section shall be held each year at the times herein specified.

Subd. 2. Carver county: On the last Monday in February and the second Monday in October.

Subd. 3. Dakota county: The second Monday in January, the first Monday in April, and the third Monday in September.

Subd. 4. Goodhue county: The second Monday in February, the second Monday in May, and the first Monday in October.

Subd. 5. Le Sueur county: On the first Monday in April and the first Tuesday in September.

Subd. 6. McLeod county: On the first Monday in November and the second Monday in May.

Subd. 7. Scott county: On the second Monday in May and the second Monday in November.

Subd. 8. Sibley county: On the third Monday in September and the first Monday in March.

[1911 c 6 s 1; 1915 c 327 s 1; 1921 c 73 s 1; 1921 c 199 s 1; 1923 c 249; 1937 c 127 s 1; 1949 c 9 s 1; 1951 c 53 s 1; 1951 c 603 s 1; 1959 c 249 s 1, 8, 20; 1959 c 300 s 1; 1961 c 354 s 1, 2] (162)

484.10 SECOND JUDICIAL DISTRICT. General terms of district court in the county named in this section shall be held each year at the time herein specified. Ramsey county: The first Monday in October.

[1917 c 5 s 1; 1959 c 249 s 2, 20] (162)

484.11 THIRD JUDICIAL DISTRICT. Subdivision 1. General terms of district court in the counties named in this section shall be held each year at the times herein specified.

Subd. 2. Dodge county: The first Monday in April and the third Monday in September.

Where any general term in any of said counties has been or shall hereafter be adjourned for a period of more than 30 days, and issues of fact in any action are joined more than eight days before the first day of any such adjourned term, then, and in that case, such action may be brought on for trial at such adjourned term upon notice of trial served eight days or more before the beginning of said adjourned term.

Subd. 3. Fillmore county: On the second Monday in April and the second Monday in October.

When any general term in any of said counties shall be adjourned for a period of more than 30 days, and issues of fact in any action are joined more than eight days before the first day of any adjourned term, then, and in that case, such action may be brought on for trial at the beginning of said adjourned term; such notice of trial shall be filed with the clerk at least six days before the beginning of such adjourned term and shall serve as a note of issue.

Subd. 4. Freeborn county: On the fourth Monday in March, the second Monday in September and the first Monday in December.

When any general term in any of said counties shall be adjourned for a period of more than 30 days, and issues of fact in any action are joined more than eight days before the first day of any adjourned term, then, and in that case, such action may be brought on for trial at the beginning of said adjourned term; such notice of trial shall be filed with the clerk at least six days before the beginning of such adjourned term and shall serve as a note of issue.

Subd. 5. Houston county: On the third Monday in May and the fourth Monday in October.

When any general term in any of said counties except Olmsted county shall be adjourned for a period of more than 30 days, and issues of fact in any action are joined more than eight days before the first day of any such adjourned term, then, and in that case, such action may be brought on for trial at such adjourned term upon notice of trial served eight days or more before the beginning of said adjourned term; such notice of trial shall be filed with the clerk at least eight days before the beginning of such adjourned term and shall serve as a note of issue.

Subd. 6. Mower county: On the second Monday in February, the first Monday in June, and the second Monday in November.

When any general term in any of said counties shall be adjourned for a period of more than 30 days, and issues of fact in any action are joined more than eight days before the first day of any adjourned term, then, and in that case, such action may be brought on for trial at the beginning of said adjourned term; such notice of trial shall be filed with the clerk at least six days before the beginning of such adjourned term and shall serve as a note of issue.

Subd. 7. Olmsted county: The first Tuesday after the first Monday in September.

When any general term in any of said counties except Olmsted county shall be adjourned for a period of more than 30 days, and issues of fact in any action are joined more than eight days before the first day of any such adjourned term, then, and in that case, such action may be brought on for trial at such adjourned term upon notice of trial served eight days or more before the beginning of said adjourned term; such notice of trial shall be filed with the clerk at least eight days before the beginning of such adjourned term and shall serve as a note of issue.

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Subd. 8. Rice county: The first Monday in May and the first Wednesday after the first Monday in November.

Where any general term in any of said counties has been or shall hereafter be adjourned for a period of more than 30 days, and issues of fact in any action are joined more than eight days before the first day of any such adjourned term, then, and in that case, such action may be brought on for trial at such adjourned term upon notice of trial served eight days or more before the beginning of said adjourned term.

Subd. 9. Steele county: The first Monday in April and the third Monday in September.

Where any general term in any of said counties has been or shall hereafter be adjourned for a period of more than 30 days, and issues of fact in any action are joined more than eight days before the first day of any such adjourned term, then, and in that case, such action may be brought on for trial at such adjourned term upon notice of trial served eight days or more before the beginning of said adjourned term.

Subd. 10. Wabasha county: On the third Monday in May and the second Monday in November.

When any general term in any of said counties except Olmsted county shall be adjourned for a period of more than 30 days, and issues of fact in any action are joined more than eight days before the first day of any such adjourned term, then, and in that case, such action may be brought on for trial at such adjourned term upon notice of trial served eight days or more before the beginning of said adjourned term; such notice of trial shall be filed with the clerk at least eight days before the beginning of such adjourned term and shall serve as a note of issue.

Subd. 11. Waseca county: The first Monday in March and the second Monday in October.

Where any general term in any of said counties has been or shall hereafter be adjourned for a period of more than 30 days, and issues of fact in any action are joined more than eight days before the first day of any such adjourned term, then, and in that case, such action may be brought on for trial at such adjourned term upon notice of trial served eight days or more before the beginning of said adjourned term.

Subd. 12. Winona county: On the second Monday in January and the third Monday in April and September.

When any general term in any of said counties except Olmsted county shall be adjourned for a period of more than 30 days, and issues of fact in any action are joined more than eight days before the first day of any such adjourned term, then, and in that case, such action may be brought on for trial at such adjourned term upon notice of trial served eight days or more before the beginning of said adjourned term; such notice of trial shall be filed with the clerk at least eight days before the beginning of such adjourned term and shall serve as a note of issue.

[*R L s 97; 1909 c 244; 1913 c 326 s 1; 1917 c 2 s 1; 1917 c 367 s 1; 1919 c 29 s 1; 1921 c 103 s 1; 1923 c 14 s 1, 2; 1925 c 84 s 1, 2; 1925 c 99 s 1; 1933 c 15 s 1; 1935 c 62 s 1; 1935 c 182 s 1; 1945 c 265 s 1; 1951 c 12 s 1; 1951 c 290 s 1; 1957 c 786 s 1; 1959 c 127 s 1; 1959 c 229 s 1; 1959 c 249 s 3, 5, 10, 20; 1961 c 142 s 1*] (162)

484.12 FOURTH JUDICIAL DISTRICT. General terms of district court in the county named in this section shall be held each year at the time herein specified.

Hennepin county: Second Monday of September.

[*1909 c 244; 1959 c 249 s 4, 20*] (162)

NOTE: For the employment of an assignment clerk, see Laws 1961, Chapter 53.

484.13 M.S. 1957 [Renumbered 484.11]

484.13 FIFTH JUDICIAL DISTRICT. Subdivision 1. General terms of district court in the counties named in this section shall be held each year at the time herein specified.

Subd. 2. Blue Earth county: On the first Tuesday in February, the second Tuesday in May, and the second Wednesday in October.

Subd. 3. Brown county: On the second Monday in May and the first Monday following Thanksgiving Day.

Subd. 4. Cottonwood county: On the fourth Tuesday in April and the second Tuesday in November.

Subd. 5. Faribault county: On the second Monday in May and the second Monday in November.

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Subd. 6. Jackson county: On the second Monday in April and the second Monday in September.

Subd. 7. Lincoln county: On the first Monday in March and the second Monday in September.

Subd. 8. Lyon county: On the fourth Monday in April and the fourth Monday in October.

Subd. 9. Martin county: On the second Monday in March and the second Monday in October.

Subd. 10. Murray county: On the second Tuesday in April and the first Tuesday in December.

Subd. 11. Nicollet county: On the first Monday in March and the second Monday in September.

Subd. 12. Nobles county: On the second Tuesday in February and the second Tuesday in October.

Subd. 13. Pipestone county: On the first Monday in May and the first Monday in November.

Subd. 14. Redwood county: On the first Monday in April and the first Monday in October.

Subd. 15. Rock county: On the second Tuesday in March and the second Tuesday in September.

Subd. 16. Watonwan county: On the second Tuesday in April and the second Tuesday in September.

[R 1, s 97; 1909 c 244 s 1; 1913 c 52 s 1; 1915 c 67; 1921 c 57 s 1; 1921 c 174 s 1; 1925 c 102 s 1; 1929 c 3; 1929 c 16 s 1; 1931 c 50 s 1; 1933 c 22; 1937 c 5 s 1, 2; 1937 c 184 s 1-3; 1939 c 36; 1943 c 38 s 1; 1949 c 129 s 1; 1951 c 139 s 1; 1957 c 120 s 1; 1959 c 193 s 1; 1959 c 249 s 6, 9, 13, 17, 20] (162)

484.14 M.S. 1957 [Renumbered 483.13]

484.14 SIXTH JUDICIAL DISTRICT. Subdivision 1. General terms of district court in the counties named in this section shall be held each year at the times herein specified.

Subd. 2. Carlton county: On the second Tuesday in February, on the third Tuesday in May, and on the second Tuesday in October.

Subd. 3. Cook county: On the third Monday in April and on the third Monday in October. } A 63
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Subd. 4. Lake county: On the third Monday in May and the second Monday in January.

Subd. 5. St. Louis county, at the county seat: On the third Monday after the first day in January, on the first Monday in April, on the first Tuesday after the first Monday in September and on the first Monday in November. } A 63
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Subd. 6. In addition to the general terms of the district court in St. Louis county to be held at the county seat, general terms of the court are hereby established to be held in the city of Virginia, in that county, on the first Tuesday in April, the first Wednesday after the first Monday in September, and the fourth Tuesday in November; in the village of Hibbing, in that county, the second Monday in February, the second Monday in May, and the second Monday in October, in each year; in the city of Ely, in that county, the third Monday in March and the third Monday in October, in each year, for the trial, hearing and determination of all actions, civil and criminal, and with the same force and effect as though held at the county seat of said county; and all proceedings of whatsoever kind that can be heard and determined in the district court of this state, may be tried, heard and determined at the said city of Virginia, the said village of Hibbing, or the said city of Ely with the same force and effect as though heard and determined at the county seat of said county, except that all proceedings for the registration of title to real estate shall be tried at the county seat of said county as now provided by law, and all other actions to determine title to real estate shall be tried at the county seat, except that by written consent of all parties thereto any such action may be tried at said city of Virginia, at the village of Hibbing, or the city of Ely in accordance with such written consent; but no officer having in his custody any of the public records of St. Louis county shall be required to produce such record at the trial of any action not on trial at the county seat, save upon the order of the court providing for the production of such record and its immediate return to the officer producing it, upon its introduction as evidence in such cause. If the day specified for the commencement of any term

herein falls on a legal holiday, said term shall commence on the first day following said holiday.

Subd. 7. Special terms shall be held at such times and places within the district as are specified by rules of the district court for such district.

Subd. 8. The petit jury for each term of the district court shall be summoned for the date and time specified in the special district court rules of said district.

[1909 c 126; 1911 c 368 s 1, 2; 1915 c 93 s 1, 2; 1921 c 302 s 1; 1925 c 218 s 1; 1945 c 5 s 1; 1949 c 169 s 1; 1949 c 730 s 1; 1953 c 19 s 1; 1955 c 485 s 1, 2; 1957 c 708 s 1, 2; 1959 c 249 s 11, 20; 1961 c 680 s 1, 2] (162, 164, 165)

484.15 SEVENTH JUDICIAL DISTRICT. Subdivision 1. General terms of district court in the counties named in this section shall be held each year at the times herein specified.

Subd. 2. Becker county: On the first Monday in February and the first Tuesday in September.

Subd. 3. Benton county: On the first Monday in February and the first Tuesday in September.

Subd. 4. Clay county: On the second Monday in April and the second Monday in November.

Subd. 5. Douglas county: On the first Monday in March and the first Monday in October.

Subd. 6. Mille Lacs county: On the first Monday in February and the first Tuesday in September.

Subd. 7. Morrison county: On the second Monday in April and the second Monday in November.

Subd. 8. Otter Tail county: On the second Monday in April and the second Monday in November.

Subd. 9. Stearns county: On the first Monday in March and the first Monday in October.

Subd. 10. Todd county: On the first Monday in March and the first Monday in October.

Subd. 11. Wadena county: On the first Monday in February and the first Tuesday in September.

[R L s 97; 1909 c 244 s 1; 1913 c 9 s 1; 1915 c 90 s 1; 1917 c 37 s 1; 1925 c 9 s 1; 1931 c 117 s 1; 1933 c 28 s 1; 1933 c 108 s 1; 1935 c 46 s 1; 1943 c 137 s 1; 1947 c 347 s 1; 1949 c 345 s 1; 1951 c 410 s 1; 1953 c 272 s 1; 1955 c 258 s 1; 1959 c 46 s 1; 1959 c 249 s 7, 20; 1961 c 257 s 1, 2] (162)

484.16 M.S. 1957 [Renumbered 484.09]

484.16 EIGHTH JUDICIAL DISTRICT. Subdivision 1. General terms of district court in the counties named in this section shall be held each year at the time herein specified.

Subd. 2. Big Stone county: On the third Monday in May and the first Monday in December.

Subd. 3. Chippewa county: On the first Monday in June and the first Monday in December.

Subd. 4. Grant county: On the second Monday in March and the third Monday in October.

Subd. 5. Kandiyohi county: On the second Monday in March and the second Monday in September.

Subd. 6. Lac qui Parle county: On the second Monday in April and the second Monday in October.

Subd. 7. Meeker county: On the second Monday in April and the second Monday in October.

Subd. 8. Pope county: On the first Monday in June and the third Monday in November.

Subd. 9. Renville county: On the second Monday in May and the second Monday in November.

Subd. 10. Stevens county: On the second Monday in February and the second Monday in September.

Subd. 11. Swift county: On the second Monday in May and the second Monday in November.

Subd. 12. Traverse county: On the fourth Monday in February and the first Monday in October.

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Subd. 13. Wilkin county: On the fourth Monday in March and the first Monday in November.

Subd. 14. Yellow Medicine county: On the second Monday in March and the second Monday in September.

[*R L s 97; 1909 c 244 s 1; 1913 c 263 s 1; 1915 c 64 s 1; 1923 c 290 s 1; 1927 c 22 s 1; 1927 c 55 s 1; 1933 c 11 s 1; 1935 c 356 s 1; 1939 c 11; 1949 c 3 s 1; 1951 c 1 s 1; 1955 c 353 s 1; 1959 c 249 s 12, 16, 20*] (162)

484.17 M.S. 1957 [Renumbered 484.13]

484.17 NINTH JUDICIAL DISTRICT. Subdivision 1. General terms of district court in the counties named in this section shall be held each year at the times herein specified.

Subd. 2. Aitkin county: On the second Tuesday in May and the first Tuesday in December.

Subd. 3. Beltrami county: On the first Tuesday in February and the second Tuesday in September.

Subd. 4. Cass county: On the first Tuesday in May and the first Tuesday in December.

Subd. 5. Clearwater county: On the third Tuesday in April and the first Tuesday in November.

Subd. 6. Crow Wing county: On the first Tuesday in February and the first Tuesday in September.

Subd. 7. Hubbard county: On the second Tuesday in March and the second Tuesday in October.

Subd. 8. Itasca county: On the third Tuesday in February and the second Tuesday in September.

Subd. 9. Kittson county: On the fourth Tuesday in February and the fourth Tuesday in September.

Subd. 10. Koochiching county: On the third Tuesday in March and the first Tuesday in October.

Subd. 11. Lake of the Woods county: On the third Tuesday in February and the first Tuesday in September.

Subd. 12. Mahnomen county: On the first Tuesday in March and the first Tuesday in October.

Subd. 13. Marshall county: On the first Tuesday in February and the first Tuesday in September.

Subd. 14. Norman county: On the second Tuesday in February and the second Tuesday in September.

Subd. 15. Pennington county: On the first Tuesday in April and the first Tuesday in November.

Subd. 16. Polk county: On the second Tuesday in April and the second Tuesday in November.

Subd. 17. Red Lake county: On the third Tuesday in March and the third Tuesday in October.

Subd. 18. Roseau county: On the second Tuesday in March and the second Tuesday in October.

Subd. 19. Whenever the day specified for the beginning of any general term falls upon a legal holiday or general election day, the term shall begin on the day following.

[*R L s 97; 1909 c 244 s 1; 1915 c 43 s 1; 1917 c 67 s 1; 1921 c 135 s 1; 1921 c 143 s 1; 1923 c 222 s 2; 1925 c 34 s 1; 1925 c 344 s 1; 1927 c 67 s 1; 1927 c 197 s 1; 1929 c 2; 1931 c 285 s 1; 1933 c 51 s 1; Ex1933 c 15 s 1; 1937 c 261 s 1-4; 1937 c 443 s 1; 1947 c 353 s 1; 1949 c 318 s 1; 1951 c 414 s 1; 1953 c 4 s 1; 1959 c 104 s 1; 1959 c 249 s 14, 15, 20; 1961 c 156 s 1-3*] (162)

484.18 M.S. 1957 [Renumbered 484.11]

484.18 TENTH JUDICIAL DISTRICT. Subdivision 1. General terms of district court in the counties named in this section shall be held each year at the time herein specified.

Subd. 2. Anoka county: On the first Tuesday in October.

Subd. 3. In Chisago county on the first Tuesday in April and the first Tuesday in November;

Subd. 4. Isanti county: On the first Tuesday in February and the first Tuesday in September.

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Subd. 5. In Kanabec county on the first Tuesday in May and the first Tuesday in December;

Subd. 6. In Pine county on the first Tuesday in February and the first Tuesday in September.

Subd. 7. Sherburne county: On the first Tuesday in February and the first Tuesday in September.

Subd. 8. In Washington county on the first Tuesday in October.

Subd. 9. Wright county: On the first Tuesday in March and the first Tuesday in October.

[*R L s 97; 1909 c 21 s 1; 1909 c 244 s 1; 1917 c 9 s 2; 1919 c 70 s 1; 1919 c 88 s 1; 1923 c 56 s 1; 1925 c 345 s 2; 1937 c 49 s 1; 1937 c 50 s 1; 1937 c 267 s 1; Ex1937 c 18 s 1; 1941 c 232 s 1, 2; 1951 c 6 s 1, 2; 1955 c 322 s 1; 1957 c 259 s 1; 1959 c 121 s 1, 2; 1959 c 249 s 18-20; Ex1961 c 81 s 1-3*] (162, 163)

484.19 [Renumbered 484.14]

484.20 M.S. 1957 [Renumbered 484.16, subds. 3, 5, 6, 7, 9, 11, 14]

484.21 M.S. 1957 [Renumbered 484.13, subds. 4, 10, 12, 13, 15]

484.22 M.S. 1957 [Renumbered 484.17, subds. 9, 12, 13, 14, 15, 16, 17, 18]

484.23 M.S. 1957 [Renumbered 484.17, subds. 2-8, 10, 11]

484.24 M.S. 1957 [Renumbered 484.16, subds. 2, 4, 8, 10, 12, 13]

484.25 M.S. 1957 [Renumbered 484.13, subds. 5, 6, 9]

484.26 M.S. 1957 [Renumbered 484.18, subds. 2, 4, 7, 9]

484.27 M.S. 1957 [Renumbered 484.18, subds. 3, 5, 6, 8]

NOTE: Laws 1959, Chapter 249, Section 20, reads:

"The revisor of statutes in compiling Minnesota Statutes may arrange the terms of district court as provided in Minnesota Statutes 1957, Sections 484.09 to 484.27, and any amendments thereto, grouped by counties within judicial districts."

484.28 TERMS IN NEW COUNTIES; SCHEDULE OF TERMS PUBLISHED.

When a new county is added to any district, until the time for holding court therefor is fixed by law, the judge or judges of such district, by an order filed with the secretary of state and with the several clerks of court in such district, shall fix the time of holding terms in such county; but such order shall not take effect until 30 days after the filing thereof with the secretary of state nor be altered except as thereafter provided by law. The commissioner of administration shall publish in the volume of laws enacted at each legislative session a schedule of the times of holding court in the several counties as fixed by law.

[*1909 c. 244 s. 2; 1945 c. 65 s. 3*] (176)

484.29 ABSENCE OF JUDGE; WHO MAY ACT. When the judge who should hear any action, motion, or proceeding is unable to be present, any other judge of the same judicial district may act in his place, except in the trial of causes already begun before the judge so absent; provided that motions for a new trial shall be heard by the judge before whom the cause was tried, if he be still in office and not disabled.

[*R. L. s. 98*] (177)

484.30 ADJOURNED AND SPECIAL TERMS. The judges of each district may adjourn court from time to time during any term thereof, and may appoint special terms for the trial of issues of law and fact, and, when necessary, direct grand or petit juries to be drawn therefor. Three weeks' published notice of every such special term shall be given in the county wherein it is to be held. They may also appoint special terms for the hearing of all matters except issues of fact, the order for which shall be filed with the clerk, and a copy posted in his office for three weeks prior to such term.

[*R. L. s. 99*] (178)

484.31 NON-ATTENDANCE OF JUDGE; ADJOURNMENT. If the judge fails to attend on the day appointed for holding court, the sheriff or clerk may open court and adjourn the same from day to day; but, if he does not appear by four o'clock p. m. of the third day, one of said officers shall adjourn the term without day, and dismiss the jurors; provided, that such clerk or sheriff, upon the direction of the judge, and without his presence, may adjourn any general or special term to a day certain, in which case the jurors, if any, shall attend on such day without further notice.

[*R. L. s. 100*] (179)

484.32 FAILURE TO HOLD TERM NOT TO AFFECT WRITS. When any term of court is not held, all persons bound by recognizance or otherwise to appear thereat shall appear at the next general term thereof held in the county, or, if a

special term be sooner held for the trial of civil and criminal causes, then at such special term. If the time for holding any such term be changed by adjournment or otherwise, all persons so bound shall appear at the term as changed. No process, proceeding, or writ shall abate or be discontinued by reason of any alteration in the time or place of holding court, or of any vacancy or change in the office of judge.

[R. L. s 101] (180)

484.33 RULES OF PRACTICE. The judges of the district court shall assemble annually, at such time and place as may be designated in a call for such meeting given by the district judge of the state longest in continuous service, to revise the general rules of practice in such courts, for which purpose any 18 of them shall constitute a quorum. When so assembled, such judges may revise and amend such rules as they deem expedient, conformably to law, and the same shall take effect from and after the publication thereof. Such rules, as the same shall be so revised and amended from time to time, shall govern all the district courts of the state; but, in furtherance of justice, they may be relaxed or modified in any case, or a party relieved from the effect thereof, on such terms as may be just. Any other proper business pertaining to the judiciary may also be transacted.

[R. L. s. 104; 1919 c. 33] (182)

484.34 PRESIDING JUDGE'S DUTIES; COURT BUSINESS REGULATED AND DIVIDED. Subdivision 1. In all districts the judges shall meet annually and elect one of their number to be presiding judge, who shall be designated as the chief judge thereof and who shall preside at all meetings of the judges of such district. He shall attend all meetings of the presiding judges of the state which may be called by the chief justice pursuant to section 2.724, subdivision 2, and generally shall be responsible for the coordinating of the business of the court in such district. The business of the court may be divided between the judges, and otherwise regulated as they by rule or order shall direct. Each may try court or jury causes separately during the same term and at the same time, or two or more of them may sit together in the trial of any cause or matter before the court. If there be a division of opinion, that of the majority shall prevail. If the division be equal, that of the presiding judge, or, if he be not sitting, that of the judge senior in age, shall prevail. In districts composed of more than one county, the presiding judge, at least 30 days before the time appointed by law for holding of a general term of the court in each county, by order filed in the office of the clerk of the court in that county, shall designate and assign one or more of the judges of such district to preside at the term so appointed, and the clerk forthwith shall mail a copy of such order to each judge of the district. If any judge assigned to hold a term of court, as herein provided, is incapacitated by illness or otherwise to preside at such term, another judge shall be designated and assigned in like manner to take his place. The same judge shall not be designated or assigned to hold two consecutive general terms in the same county unless the presiding judge or the judges of the district by order or rule otherwise direct.

Subd. 2. For purposes of applying this section only, the judicial districts as established in section 2.722, subdivision 2, shall be used from and after July 1, 1957.

[R. L. s 105; 1931 c 51; Ex1957 c 14 s 6] (183)

484.35 TEMPORARY COURT-HOUSES. When the court-house or place provided for holding court in any county is destroyed or becomes unsafe or unfit for the purpose, or if no court-house be provided, the judges may designate a convenient place at the county-seat for temporary use as such.

[R. L. s. 102] (181)

484.36 TERMS FOR NATURALIZATION. The judges may hold general or special terms of the court for the purpose of hearing applications for naturalization, in any place designated by them in the several counties of their respective districts.

[R. L. s. 102] (181)

484.37-484.43 [Repealed, 1961 c 561 s 17]

484.44 DEPUTY SHERIFF AND CLERK; ST. LOUIS COUNTY. There shall be at all times a chief deputy sheriff of St. Louis county and a chief deputy clerk of the district court of St. Louis county and such other deputies as may be necessary, resident at the city of Virginia, or the city of Ely, or the village of Hibbing, and their appointment shall be made in the same manner as other deputy sheriffs and deputy clerks of the district court in said county. The salaries of such deputies shall be fixed and paid in the same manner as other such deputies. The

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office of said deputy sheriff at Virginia, Hibbing, and Ely shall not in any sense be considered or deemed the office of the sheriff for any purpose except the performance of his duties relating solely to proceedings tried or to be tried at said places; but the office of the deputy clerk at said places shall be equally deemed the office of the clerk of court for all purposes except the filing of papers in actions or proceedings to be tried at Duluth. Marriage licenses and naturalization papers may be issued by said deputy clerk.

[1909 c. 126; 1911 c. 368 s. 1; 1915 c. 93; 1915 c. 371; 1917 c. 255 s. 2; 1921 c. 284 s. 1; 1931 c. 160 s. 1] (166)

484.45 COURT-HOUSE; JAIL; EXPENSES; ST. LOUIS COUNTY. It is hereby made the duty of the board of county commissioners of the county of St. Louis to furnish and maintain adequate accommodations for the holding of terms of the district court at the village of Hibbing, and the city of Virginia, proper offices for these deputies and a proper place for the confinement and maintenance of the prisoners at the village of Hibbing and the city of Virginia.

The county shall reimburse the clerk of the court and his deputies as herein provided for and the county attorney and his assistants and the district judges of the district and the official court reporter for their traveling expenses actually and necessarily incurred in the performance of their respective official duties.

[1909 c. 126; 1911 c. 368; 1915 c. 371 s. 1; 1917 c. 255 s. 1] (167)

484.46 JURORS; ST. LOUIS COUNTY. Grand and petit jurors for each of these general terms shall be selected, drawn, and summoned in the same manner in all respects as for the general terms of the court held at the county-seat of the county, except when in the discretion of the court there will be no necessity of drawing a grand jury or a petit jury, the court may enter its order directing that no grand jury or petit jury be summoned for the particular term therein mentioned.

[1909 c. 126; 1911 c. 368; 1915 c. 93] (168)

484.47 APPEALS FROM MUNICIPAL AND JUSTICE COURTS; ST. LOUIS COUNTY. All appeals from municipal courts and from justices of the peace shall be heard and tried at the place of holding regular or adjourned regular terms of the district court which is nearest to the court appealed from, by the usual routes of travel.

By consent of the parties any such appeal may be tried at any other place in the county where regular terms of the district court are held.

[1909 c. 126; 1911 c. 368] (169)

484.471 [Tentative coding; renumbered 484.63]

484.48 TRIAL OF CRIMINAL CASES; ST. LOUIS COUNTY. All persons bound over to the grand jury, charged with a criminal offense, by any justice of the peace or municipal court, shall be tried at the place of holding regular terms of the district court which is nearest to the court binding said party over, except as hereinafter provided; and all criminal offenses committed in any city, village, town, or unorganized territory shall be tried at the place of holding the regular term of the district court which is nearest to the city, village, town or place where the offense is committed.

When the offense is committed nearer to Virginia or Hibbing or Ely than to the county-seat, the party committing the offense shall be tried at the first term of court to be held at Virginia or Hibbing or Ely at which a grand jury is in session. When the offense is committed nearer the city of Ely than any of the other places referred to, said cause, in the discretion of the court, or on demand of the person charged with the offense, may be tried at the city of Ely.

[1909 c. 126; 1911 c. 368; 1915 c. 93 s. 5] (170)

484.49 TRIAL OF ACTIONS; ST. LOUIS COUNTY. All civil actions brought in the district court of the county against any person or persons, firm, or corporation residing in the county, shall be tried, heard, and determined at the place of holding regular or adjourned terms of the district court which is nearest, by the usual route of travel, to the residence of the defendant or defendants, or the majority thereof, unless the place of trial shall be waived by the defendant or defendants; and, for the purpose of determining the place of residence of domestic corporations, such a corporation shall be considered as residing at any place where it has an office, resident agent, or business place; provided that if none of the parties shall reside or be found in the state, or the defendant be a foreign

corporation, the action shall be begun and tried in the place designated in the summons.

[1909 c. 126; 1911 c. 368; 1921 c. 302 s. 2] (171)

484.50 SUMMONS; PLACE OF TRIAL; ST. LOUIS COUNTY. Any party wishing to have any appeal from an order of the railroad and warehouse commission, any election contest, a lien foreclosure, or any civil cause or proceeding of any kind commenced or appealed by him in said court, tried in the city of Virginia shall, in the summons, notice of appeal in such matters, or other jurisdictional instrument issued therein, in addition to the usual provisions, print, stamp, or write thereon the words, "to be tried at the city of Virginia," and any party wishing any such matter commenced or appealed by him in said court tried at the village of Hibbing shall, in the summons, notice of appeal in such matters, or other jurisdictional instrument issued therein, in addition to the usual provisions, print, stamp, or write thereon the words, "to be tried at the village of Hibbing," and any party wishing any such matter commenced or appealed by him in said court tried at the city of Ely shall, in the summons, notice of appeal in such matters, or other jurisdictional instrument issued therein, in addition to the usual provisions, print, stamp, or write thereon the words, "to be tried at the city of Ely"; and in all cases where any summons, notice of appeal in such matters, or other jurisdictional instrument contains any such specifications, the case shall be tried at said city of Virginia, or the village of Hibbing, or the city of Ely, as the case may be, unless the defendant shall have the place of trial fixed in the manner hereinafter set out.

If the place of trial designated is not the proper place of trial, as specified in sections 484.44 to 484.52, the cause shall nevertheless be tried in such place, unless the defendant, in his answer in addition to the other allegations of defense, shall plead the location of his residence, and demand that such action be tried at the place of holding said court nearest his residence, as herein provided; and in any case where the answer of the defendant pleads such place of residence and makes such demand of place of trial, the plaintiff, in his reply, may admit or deny such allegations of residence, and if such allegations of residence be not expressly denied, such case shall be tried at the place so demanded by the defendant, and if the allegations of residence be so denied, then the place of trial shall be determined by the court on motion.

If there are several defendants, residing at different places in said county, the trial shall be at the place which the majority of such defendants unite in demanding, or if the numbers are equal, at the place nearest the residence of the majority.

The venue of any such action may be changed from any one of these places to any other, by order of the court, in the following cases:

- (1) Upon written consent of the parties;
- (2) When it is made to appear, on motion, that any party has been made a defendant for the purpose of preventing a change of venue as provided in this section;
- (3) When an impartial trial cannot be had in the place where the action is pending; or
- (4) When the convenience of witnesses and the ends of justice would be promoted by the change.

Application for such change under clause (2), (3), or (4), shall be made by motion which shall be returnable and heard at the place of commencement of the action.

[1909 c. 126; 1911 c. 368; 1915 c. 93; 1921 c. 302 s. 6; 1931 c. 195 s. 1] (172)

484.51 PAPERS WHERE FILED; ST. LOUIS COUNTY. After the place of trial of any cause is determined, as provided in sections 484.44 to 484.52, all papers, orders and documents pertaining to all causes to be tried at Virginia and filed in court shall be filed and be kept on file at the clerk's office in the city of Virginia, and all causes to be tried in Hibbing and all papers, orders and documents pertaining thereto shall be filed and be kept on file at the clerk's office in the village of Hibbing.

In all actions tried at the city of Virginia or the village of Hibbing, the clerk of said court, as soon as final judgment is entered, shall forthwith cause such judgment to be docketed in his office at the county-seat; and when so docketed the same shall become a lien on real estate and have the same effect as judgments entered in causes tried at the county-seat.

In all actions tried at the city of Virginia or the village of Hibbing, involving the title of real estate, upon final judgment being entered, all the papers in said cause shall be filed in the clerk's office at the county-seat and the final judgment or decree recorded therein, and a certified copy of all papers in the case shall be made by the clerk and retained at the clerk's office in the city of Virginia or in the clerk's office in the village of Hibbing where the action was originally tried, without additional charge to the parties to said action.

[1909 c. 126; 1911 c. 368; 1915 c. 93; 1917 c. 255 s. 3] (173)

484.52 RULES. The judges of the district court shall have full power and authority to make all such rules, orders, and regulations as are necessary to carry out the provisions of sections 484.44 to 484.52.

[1909 c. 126; 1911 c. 368] (174)

484.53 DIVISION OF BUSINESS; JUVENILE COURT; ST. LOUIS COUNTY. The said judges, or a majority of them, may divide the business of said court among the said judges, and may otherwise regulate the business by rules or otherwise; and each of the judges may separately try court or jury cases during the same term, or at the same time.

The said judges, or any two of them, may designate one of their number whose duty it shall be to act as judge of the juvenile court at Virginia, in said county, to hear and determine cases arising under the provisions of Laws 1905, Chapter 285, and all cases affecting dependent, neglected and delinquent children under the law; and all authority of Laws 1905, Chapter 285, shall be applicable to said court; and the same shall be known as the juvenile court of Virginia.

Said juvenile court of Virginia shall have concurrent jurisdiction with the juvenile court heretofore established in said county in all cases under Laws 1905, Chapter 285.

The terms of said juvenile court shall be at the times specified by the judge of said court.

Special terms of said court may be held at the village of Hibbing on the order of the judge of said court.

One of the deputy clerks of said court, residing at Virginia, shall be clerk of the said juvenile court, and the appointment of such deputy clerk as such clerk of said juvenile court shall be made by the clerk of the district court of said county, with the consent and approval of the judges of the juvenile courts of said county, and such clerk of such juvenile court shall receive as compensation for his services, including those of deputy clerk, the sum of \$125 per month.

[1911 c. 368; 1913 c. 171 s. 1] (175)

484.54 EXPENSES OF JUDGES. The judges of the district court shall be paid, in addition to the amounts now provided by law, all sums they shall hereafter pay out as necessary railway, traveling and hotel expenses while absent from their places of residence in the discharge of their official duties, and all sums they shall necessarily hereafter pay out for telephone tolls, postage, expressage, and stationery, including printed letter-heads and envelopes for official business. Each judge shall file quarterly with the state auditor an itemized statement, verified by him, of all such expenses actually paid by him during the preceding quarter, which shall be audited by the state auditor and paid upon his warrant.

There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated such sums as may, from time to time, be necessary to pay these warrants.

[1913 c 466 s 1; 1921 c 249; 1959 c 158 s 31] (209)

484.55 DEPUTY CLERKS, CERTAIN COUNTIES. Before the commencement of any general term, the district court in any county having not less than 50,000 nor more than 100,000 inhabitants according to the last federal census may by order require the clerk of court to furnish a deputy clerk during such term. The order shall be filed with the clerk of court. Such deputy clerk shall receive such compensation as the judge shall determine, not to exceed \$10 per day, while attending such term of court.

[1953 c 214 s 1]

484.61 RETIRED DISTRICT COURT JUDGES, ASSIGNMENTS. Upon the retirement of any judge of the district court under the provisions of sections 490.101 and 490.102, he may be appointed and assigned to hear any cause properly assignable to a judge of the district court and act thereon with full powers of such a judge by the then senior or presiding judge of the district he has theretofore served in, for service in such district, or by the Chief Justice of the Supreme Court of the State of Minnesota for service in any other district, with his consent.

[1957 c 678 s 1]

484.62 COMPENSATION AND REPORTER. When such retired judge undertakes such service, he shall be provided at the expense of the county in which he is performing such service with a reporter, selected by such retired judge, clerk, bailiff and a courtroom or hearing room for the purpose of holding court or hearings, to be paid for by the county in which such service is rendered and shall be paid in addition to his retirement compensation and not affecting the amount thereof, the sum of \$25 per diem for such additional service, together with travel pay in the sum of seven and one-half cents per mile and his actual expenses incurred in such service, said payment to be made in the same manner as the payment of salaries for district judges, on certification by the presiding or senior judge of the district or by the Chief Judge of the Supreme Court of the State of Minnesota.

[1957 c 678 s 2]

484.63 APPEAL, JURY TRIAL ON APPEAL. Any person convicted of a violation of a municipal ordinance in any court may appeal from the conviction to the district court in the same manner and with the same effect as provided by Minnesota Statutes, Chapter 633, except that the appellant shall have the right to a jury trial if he was not tried by jury in the municipal court.

[1959 c 388 s 1; 1961 c 683 s 7]