

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.

[*RL s 90*] (154)

484.015 TRANSFER OF CIVIL ACTIONS IN FOURTH JUDICIAL DISTRICT TO MUNICIPAL COURT. Subdivision 1. This section applies to certain actions in the fourth judicial district, Hennepin county.

Subd. 2. (a) For the purposes of this section the terms defined in this subdivision have the meanings ascribed to them.

(b) "Transferable action" means any civil action heretofore or hereafter commenced in the district court which is within the subject matter jurisdiction of the municipal court on the date of the order for transfer. It includes such a civil action even though the defendant never has resided in the county of Hennepin and the summons was served outside of the county.

(c) "Municipal court" means the municipal court of Hennepin county.

(d) "District court" means the fourth judicial district.

(e) "Conciliation court" means the conciliation court of Hennepin county.

Subd. 3. At any time after the filing of a trial note of issue and prior to trial of a transferable action, any judge of the district court of his own motion or on ex parte motion of any party, may issue an order to show cause why the action should not be transferred to the municipal court. At least 15 days prior to the return date, the clerk of district court shall mail copies of that order to counsel for all parties to the action and this mailing is sufficient service of the order.

Subd. 4. Prior to the return date, any party who objects to the transfer shall serve on all other parties and file his written objection with supporting affidavit stating his reasons for objecting. At the hearing on the return date the judge of the district court shall determine whether or not the objecting party will be substantially prejudiced by such transfer, and if not, shall order the action transferred to the munic-

ipal court for all further proceedings. If no objection is timely filed, all parties are deemed to have consented to the transfer and any judge of the district court may order the action transferred to the municipal court for all further proceedings.

Subd. 5. On written consent of counsel for all parties, a transfer order may be entered without issuance of an order to show cause.

Subd. 6. Upon filing of a transfer order, the clerk of district court shall deliver to the clerk of the municipal court all papers filed in the action including the transfer order and a copy of all docket entries, and shall pay to said clerk the filing fee or appearance fee for any party who theretofore has paid that fee in district court, the fee to be in the amount normally payable in the municipal court, exclusive of any law library fees. Any excess over the law library fees and the fees so paid to the municipal court shall be retained by the clerk of district court as payment for his services.

Subd. 7. The district court trial note of issue shall be effective to place the action on the general term calendar of the municipal court for trial. A party must demand a jury trial and pay to the clerk of the municipal court the requisite jury fee within the time and in the manner specified in any trial notice issued by the municipal court; otherwise he waives jury trial. If a proper demand is not so made or if the proper jury fee is not so paid, this waiver is effective even though the party or another party previously has demanded jury trial in the district court in a trial note of issue or otherwise.

Subd. 8. A transferable action which is within the subject matter jurisdiction of the conciliation court may be transferred at any time after the filing of a trial note of issue and prior to trial by the clerk of district court to the conciliation court upon notice to the parties to the action. The applicable provisions of subdivision 6 shall apply as to the transfer of all papers in the action and the payment of filing fees. Upon motion of a party such action may be transferred from the conciliation court to the municipal court for trial and in that event the provisions of subdivision 7 shall apply.

Subd. 9. Any action transferred under this section shall carry over with the main action to the municipal court or the conciliation court, as the case may be, all garnishment proceedings had and any disclosure made therein.

[1957 c 181 s 1-5; 1969 c 816 s 1]

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.

[*RL 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.

[*RL s 92*] (156)

NOTE: As to 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.

[*RL 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.

[*RL s 94; 1907 c 157 s 1*] (158)

NOTE: See section 2.724.

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.

[*RL s 95*] (159)

484.065 CONFLICTS OF INTEREST; CERTIFICATE OF COMPLIANCE. Subdivision 1. A judge of the district court shall devote full time to the performance of his duties and shall not practice as an attorney or counselor at law, nor be a partner of any practicing attorney in the business of his profession, and he shall not engage in any business activities that will tend to interfere with or appear to conflict with his judicial duties.

Subd. 2. No part of the salary of a judge of the district court shall be paid unless the voucher therefor be accompanied by a certificate of the judge that he has complied with this section.

[*Ex1971 c 32 s 23*]

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.

[*RL 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 venires 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 first Monday in October.

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 third Monday in September.

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

[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; 1965 c 733 s 1; 1971 c 397 s 1; 1975 c 264 s 1] (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 second 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.

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 March and the second 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.

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, the third Monday in April 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.

[*RL 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; 1974 c 115 s 1-3*]
(162)

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484.12 DISTRICT COURTS

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NOTE: For employment of a law clerk in Rice, Steele, and Waseca Counties, see Laws 1967, Chapter 355 and Laws 1974, Chapter 189.

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 1965, Chapter 853.

For the employment of a law clerk, see Laws 1965, Chapter 854.

484.13 MS 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 October.

Subd. 3. Brown county: On the first Tuesday in March and the second Tuesday in September.

Subd. 4. Cottonwood county: On the first Tuesday in March and the second Tuesday in October.

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

Subd. 6. Jackson county: On the first Tuesday in April and the second Tuesday in October.

Subd. 7. Lincoln county: On the first Tuesday in May and the second Tuesday in December.

Subd. 8. Lyon county: On the first Tuesday in February and the second Tuesday in September.

Subd. 9. Martin county: On the first Tuesday in March and the second Tuesday in September.

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

Subd. 11. Nicollet county: On the first Tuesday in April and the second Tuesday in October.

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

Subd. 13. Pipestone county: On the first Tuesday in April and the second Tuesday in November.

Subd. 14. Redwood county: On the first Tuesday in March and the second Tuesday in October.

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

Subd. 16. Watonwan county: On the first Tuesday in May and the second Tuesday in November.

[*RL 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; 1963 c 716 s 1; 1967 c 766 s 1; 1974 c 90 s 1*]
(162)

484.14 MS 1957 [Renumbered 484.13]

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 second Monday in March and on the third Monday in October.

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 first 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.

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 city 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 city 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 city 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; 1963 c 723 s 1,2; 1973 c 123 art 5 s 7]
(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.

[*RL 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 MS 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.

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.

[*RL 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 363 s 1; 1959 c 249 s 12,16,20*] (162)

484.17 MS 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.

EASTERN AREA

Subd. 2. Aitkin county: On the first Wednesday after the first Tuesday in February, and the first Wednesday after the first Tuesday in September.

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

Subd. 4. Cass county: On the first Wednesday after the first Tuesday in February, and the first Wednesday after the first Tuesday in September.

Subd. 5. Clearwater county: On the first Thursday after the first Tuesday in February, and the first Thursday after the first Tuesday in September.

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

Subd. 7. Hubbard county: On the first Wednesday after the first Tuesday in February, and the first Wednesday after the first Tuesday in September.

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

Subd. 9. Koochiching county: On the first Tuesday in February and the first Tuesday in September.

Subd. 10. Lake of the Woods county: On the first Wednesday after the first Tuesday in February and the first Wednesday after the first Tuesday in September.

WESTERN AREA

Subd. 11. Kittson county: At 10:00 a.m. on the first Tuesday following the third Monday in February and the first Thursday following the first Monday in September.

Subd. 12. Mahnommen county: At 10:00 a.m. on the first Tuesday following the third Monday in February and the first Tuesday following the first Monday in September.

Subd. 13. Marshall county: At 2:00 p.m. on the first Tuesday following the third Monday in February and the first Thursday following the first Monday in September.

Subd. 14. Norman county: At 2:00 p.m. on the first Tuesday following the third Monday in February and the first Tuesday following the first Monday in September.

Subd. 15. Pennington county: At 10:00 a.m. on the first Wednesday following the third Monday in February and the first Wednesday following the first Monday in September.

Subd. 16. Polk county: At 10:00 a.m. on the first Thursday following the third Monday in February and the first Thursday following the first Monday in September.

Subd. 17. Red Lake county: At 10:00 a.m. on the first Wednesday following the third Monday in February and the first Wednesday following the first Monday in September.

Subd. 18. Roseau county: At 10:00 a.m. on the first Thursday following the third Monday in February and the first Tuesday following the first Monday in September.

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.

Subd. 20. The counties named in subdivisions 2 to 10 constitute the eastern area of the district and four of the judges of the district shall reside within that area. The counties named in subdivisions 11 to 18 constitute the western area of the district and two of the judges of the district shall reside within that area. Unless the judges of the district shall by rule or order otherwise provide or the press of court work otherwise requires, the judges residing within an area shall usually be designated and assigned to preside at terms of court and be primarily responsible for the disposition of the court's business within that area.

[*RL 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 448 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; 1963 c 351 s 1; 1965 c 1 s 1,2; 1969 c 269 s 1-8; 1973 c 257 s 1-8; 1976 c 174 s 1] (162)*

484.18 MS 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 September.

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 October.

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 January and the first Tuesday in September.

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

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

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

[*RL 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; 1969 c 367 s 1; 1974 c 397 s 15*] (162, 163)

484.19 [Renumbered 484.14]

484.20 MS 1957 [Renumbered 484.16, subds 3, 5, 6, 7, 9, 11, 14]

484.21 MS 1957 [Renumbered 484.13, subds 4, 10, 12, 13, 15]

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

484.23 MS 1957 [Renumbered 484.17, subds 2-8, 10, 11]

484.24 MS 1957 [Renumbered 484.16, subds 2, 4, 8, 10, 12, 13]

484.25 MS 1957 [Renumbered 484.13, subds 5, 6, 9]

484.26 MS 1957 [Renumbered 484.18, subds 2, 4, 7, 9]

484.27 MS 1957 [Renumbered 484.18, subds 3, 5, 6, 8]

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 revisor of statutes 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; 1971 c 25 s 83*] (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.

[*RL 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.

[*RL 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.

[*RL 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.

[*RL 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.

[*RL 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. In the event of a tie vote the judge who is senior in service shall be the chief judge. 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, shall be used from and after July 1, 1957.

[*RL s 105; 1931 c 51; Ex1957 c 14 s 6; 1963 c 533 s 1*] (183)

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

[*RL 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.

[*RL 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 city of Hibbing, and their appoint-

ment 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 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; 1973 c 123 art 5 s 7] (166)

484.45 COURTHOUSE; 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 city 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 city 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; 1973 c 123 art 5 s 7] (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 [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, 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, 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; 1973 c 123 art 5 s 7] (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 department of public service, 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 city 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 city 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 city 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; 1971 c 25 s 67; 1973 c 123 art 5 s 7] (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 city of Hibbing.

In all actions tried at the city of Virginia or the city 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 be-

come 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 city 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 city 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; 1973 c 123 art 5 s 7] (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 [Repealed, 1969 c 549 s 4]

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 while absent from their places of residence in the discharge of their official duties, except that a judge shall not be paid such travel expenses for travel from his place of residence to and from his permanent chambers. Judges shall be compensated for travel expenses in the same manner and amount as state employees. Additionally, judges of the district court shall be reimbursed for all sums, not reimbursed by counties, they shall necessarily hereafter pay out for only the following purposes: telephone tolls, postage, expressage, stationery, including printed letterheads and envelopes for official business; membership dues in the American bar association and affiliated sections, the state bar association and affiliated local district associations, and state and local district judges association; registration fees, tuition, travel and subsistence for attending educational programs, attendance at which is approved by the supreme court; and, for delegates as designated by the supreme court, travel and subsistence for attending regular meetings of the American bar association and its affiliated sections. Travel and subsistence expenses shall be paid in the same manner and amount as for state employees. Each judge claiming reimbursement for allowable expenses may file with the supreme court monthly and shall file not later than 90 days after the expenses are incurred, an itemized statement, verified by the judge, of all allowable expenses actually paid by him. All statements shall be audited by the supreme court and, if approved by the supreme court, shall be paid by the commissioner of finance from appropriations for this purpose.

[1913 c 466 s 1; 1921 c 249; 1959 c 158 s 31; 1971 c 5 s 1; Ex1971 c 32 s 20; 1973 c 492 s 14; 1975 c 204 s 85; 1976 c 231 s 33] (209)

484.545 LAW CLERKS. Subdivision 1. The district judges regularly assigned to hold court in each judicial district except for the second and fourth judicial districts may by orders filed with the clerk of court and county auditor of each county in the district appoint a competent law clerk for every three judges and additional fraction of three judges of the judicial district.

Subd. 2. The judges, by order filed with the county auditors on or before the first Monday in August, 1975, and annually on or before the first Monday in January thereafter shall fix and establish the salary of each law clerk not to exceed \$15,000 per year without the approval of the county board of each of the counties involved, and shall apportion the total salaries paid among the several counties to which the judges are assigned, according to the population of each county. Each county shall be required by the order to pay a specified amount thereof in monthly installments which shall be such proportion of the whole salaries as the population of the county is to the total population of the counties to which the judge is assigned as determined by the last census.

Subd. 3. The law clerks, in addition to their salary, shall be paid necessary mileage, traveling and hotel expenses accrued in their discharge of official duties while absent from home. The county auditor of the county for which the expenses were incurred, upon presentation of a verified statement approved by one of the judges, shall issue his warrant in payment thereof.

[1975 c 385 s 1]

484.546 SUPERSEDED LAWS. Any other law not repealed by Laws 1975, Chapter 385, Section 3 that provides for the employment of law clerks by district judges in judicial districts other than the second and fourth is superseded only to the extent it provides fewer clerks than provided by section 484.545.

[1975 c 385 s 2]

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, while attending such term of court.

[1953 c 214 s 1; 1971 c 18 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 or sections 490.121 to 490.132, 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 pursuant to section 2.724 with his consent.

[1957 c 678 s 1; 1974 c 417 s 2]

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, if the judge deems a bailiff necessary, 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 \$50 per diem for such additional service, together with travel pay in the sum of nine 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. A deputy clerk may act as bailiff when called to do so for the purposes of this section.

[1957 c 678 s 2; 1969 c 1139 s 86; 1971 c 948 s 1]

484.63 APPEAL, JURY TRIAL ON APPEAL. Any person convicted of a petty misdemeanor or a violation of a municipal ordinance punishable by a fine only may appeal from the conviction to the district court upon questions of law only. Any person convicted of a violation of a municipal ordinance for which a sentence of imprisonment is authorized may appeal to the district court in the same manner and with the same effect as provided by chapter 633, except that the appellant shall not have the right to a jury trial unless he was convicted of the violation of a municipal ordinance, charter provision, rule or regulation for which a sentence to imprisonment is authorized and he was not tried by jury in the municipal court.

[1959 c 388 s 1; 1961 c 683 s 7; 1965 c 858 s 12; Ex1971 c 27 s 28; 1973 c 421 s 6]

484.64 FAMILY COURT DIVISION; SECOND JUDICIAL DISTRICT. Subdivision 1. In the second judicial district a family court division of the district court is hereby created to be presided over by a district court judge to be appointed by the chief judge of the district court to serve for a term of one year. The judges appointed to said office shall be designated as the judge of the family court division.

Subd. 2. The district court judge, family court division, shall hear and determine all matters involving divorce, annulment or separate maintenance, including proceedings for civil contempt for violations of orders issued in such proceedings. In addition, he shall hear and determine paternity actions, reciprocal enforcement of support actions and criminal nonsupport cases.

Subd. 3. The board of county commissioners of Ramsey county shall provide suitable chambers and courtroom space, clerks, reporters, bailiffs, and one or more referees and other personnel to assist said judge, together with necessary library, supplies, stationery and other expenses necessary thereto.

Subd. 4. In cases of absence, sickness or other disability which prevents said judge from performing his duties, the chief judge of the district court of the second ju-

dicial district may designate or assign one or more of the other judges of the district court to perform the duties of the district court judge, family court division. The chief judge of the district court may assign one or more family court matters to another judge of said judicial district for hearing and determination.

Subd. 5. The judge of the family court division may be designated in writing by the chief judge of the district court of the second judicial district to the regular or ordinary duties of a judge of the district court without thereby affecting the term of office to which such judge was appointed.

[*Ex1967 c 22 s 2-6; 1969 c 9 s 88; Ex1971 c 7 s 1*]

484.65 FAMILY COURT DIVISION; FOURTH JUDICIAL DISTRICT. Subdivision 1. In the fourth judicial district, a family court division of the district court is hereby created to be presided over by a district court judge. The judge appointed or elected to said office shall be designated as the district court judge, family court division. Said district court judge shall be elected or appointed in the manner as provided for the election or appointment of other district court judges, except that he shall be designated district court judge, family court division, and at the primary or general election the office shall be so designated on the ballot.

Subd. 2. Said district court judge shall hear and determine all family matters assigned to him by the chief judge of the fourth judicial district with the approval of the majority of the judges of said district.

Subd. 3. The board of county commissioners of Hennepin county shall provide suitable chambers and courtroom space, clerks, secretaries or reporters, bailiffs, and one or more referees and other personnel to assist said judge, together with necessary library, supplies, stationery and other expenses necessary thereto.

Subd. 4. In cases of vacancy in the office, until the office is filled in accordance with subdivision 6, or if work load, absence, sickness or other disability prevents said judge from fully performing his duties, the chief judge of the district court of the fourth judicial district may orally or in writing designate or assign one or more of the other judges of the district court to perform or assist in the performance of the duties of the district court judge, family court division.

Subd. 5. The district court judge, family court division, may be designated in writing by the chief judge of the district court of the fourth judicial district to the regular or ordinary duties of a judge of the district court without thereby affecting the term of office to which such judge was appointed or elected.

Subd. 6. Vacancies in the office of district court judge, family court division, shall be filled in the manner prescribed by law for the filling of vacancies in the office of other judges of the district court.

Subd. 7. The district court judge, family court division, may, with the consent and approval of the judges of the district court of the fourth judicial district, appoint one or more suitable persons to act as referees. Such referees shall be learned in the law and shall hold office at the pleasure of the judges of the district court. The compensation of a referee shall be fixed by the personnel board of Hennepin county and appropriated by the county board and shall be paid in the same manner as other county employees are paid.

Subd. 8. The duties and powers of referees in the family court division shall be as follows:

(a) Hear and report all matters within the jurisdiction of the district court judge, family court division, as may be directed to him by said judge.

(b) Recommend findings of fact, conclusions of law, temporary and interim orders, and final orders for judgment.

Subd. 9. All recommended orders and findings of a referee shall be subject to confirmation by said district court judge. Review of any recommended order or finding of a referee by the district court judge may be had by notice served and filed within ten days of effective notice of such recommended order or finding. The notice of review shall specify the grounds for such review and the specific provisions of the recommended findings or orders disputed, and said district court judge, upon receipt of such notice of review, shall set a time and place for such review hearing.

Subd. 10. Upon the conclusion of the hearing in each case, the referee shall transmit to said district court judge the court file together with his recommended find-

ings and orders in writing. The recommended findings and orders of a referee become the findings and orders of the court when confirmed by said judge. The order of the court shall be proof of such confirmation.

[*Ex1971 c 7 s 2*]

484.66 COURT ADMINISTRATOR; FOURTH JUDICIAL DISTRICT. Subdivision 1. In the county of Hennepin, the district court administrator shall assume the statutory duties of the clerk of district court.

Subd. 2. The duties, functions and responsibilities which have been heretofore and which may be hereafter required by statute or law to be performed by the clerk of district court shall be performed by the district court administrator, whose office is appointed by the district court judges of the fourth judicial district. The district court administrator, subject to the approval of a majority of the judges of the district court, fourth judicial district, shall have the authority to initiate and direct any reorganization, consolidation, reallocation or delegation of such duties, functions or responsibilities for the purpose of promoting efficiency in county government, and may make such other administrative changes as are deemed necessary for this purpose. Such reorganization, reallocation or delegation, or other administrative change or transfer shall not diminish, prohibit or avoid those specific duties required by statute or law to be performed by the clerk of district court.

[*1974 c 212 s 1,2*]