

four of the special laws of eighteen hundred and sixty seven, be amended by striking out the word " April " wherever the same may occur in such section [s] and insert in lieu thereof the word " March " so that the elections therein mentioned shall be held on the second Tuesday of March, instead of the second Tuesday of April as at present provided.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 17, 1874.

CHAPTER CXLI.

AN ACT TO ESTABLISH A MUNICIPAL COURT IN THE CITY OF MINNEAPOLIS.

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

SECTION 1. There shall be established in the city of Minneapolis, in the county of Hennepin, a municipal court for the transaction of all business which may lawfully come before it. Said court shall be a court of record, and shall have a clerk and a seal, and shall have jurisdiction to hear, try and determine civil actions at law, where the amount in controversy does not exceed the sum of two hundred dollars, excepting causes involving the title to real estate. It shall also have exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases, arising or triable within the city of Minneapolis, heretofore cognizable before a justice of peace. It shall not have jurisdiction of actions for divorce, nor of any action where the relief asked for in the complaint is purely equitable in its nature.

SEC. 2. The qualified electors of the city of Minneapolis shall, at the general city election to be holden on the first Tuesday in April, in the year eighteen hundred and seventy-four, and on the day of the general city election every third year thereafter, elect a suitable person with the qualifications hereinafter mentioned, to the office of judge of said municipal court, to be called " municipal judge," who shall hold his office for the term of three years and until his successor shall be elected and qualified. In case of any vacancy in the office of municipal judge, the governor of the state of Minnesota shall appoint some qualified person to said office until the

next annual city election, when a judge shall be elected for a full term of three years.

SEC. 3. The judge of the municipal court shall be a resident of the city of Minneapolis, a person learned in the law and duly admitted to practice as an attorney in the courts of this state. Before entering upon the duties of his office, he shall take and subscribe an oath as prescribed in the general statutes for judicial officers, which oath shall be filed in the office of the city clerk of said city. He shall have the general powers of judges of courts of record, and may administer oaths, take and certify acknowledgements in all cases, and as a conservator of the peace shall have all power and authority which is by law vested in justices of the peace or any other judicial officer.

SEC. 4. There shall be a clerk of said municipal court, who shall be appointed by the judge of said court, with the advice and consent of the city council of the city of Minneapolis, and the judge shall have power to remove said clerk at pleasure, or he may be removed by a two-thirds vote of the whole number of aldermen elected to the city council. Such clerk, before he enters upon the duties of his office, shall take and subscribe an oath to support the constitution of the United States and of the state of Minnesota, and to faithfully and honestly discharge and perform the duties of his office; and shall execute to the city of Minneapolis a penal bond, in such sum, and with such sureties, as the council shall direct and approve, conditioned that he will account to and pay over to the treasurer of said city, on the first Monday of every month, all fines, penalties, fees and other moneys belonging to or to go to said city, which may have come into his hands during the month next preceding; and that he will at all times pay over to all other persons, on demand, all moneys to which they may be entitled, which may have come into his hands in virtue or by reason of his office. Such oath and bond shall be filed in the office of the city clerk of said city.

SEC. 5. The municipal court shall have full power and authority to issue all process, civil and criminal, necessary or proper to carry into effect the jurisdiction given to it by law and its judgments and other determinations. And it shall have and possess all the powers usually possessed by courts of record at common law, subject to modifications of the statutes of this state applicable to courts of record, except that it shall not have jurisdiction to issue writs of habeas corpus, quo warranto, ne exeat, mandamus, prohibition nor injunction. All process shall be tested in the name of the judge, and issued under the seal of the court and signed by the clerk, who shall be styled "clerk of the municipal court." And the forms of process may be prescribed by the court by rule or otherwise, and any form so prescribed shall be valid and sufficient, and such forms may be changed

by the court from time to time. In the absence of such prescribed forms, the forms of process in use either in courts of record in this state, or by justices of the peace, may be changed and adapted to the style of the court and used at the discretion of the court or clerk. Process may be directed for service "To any police officer of the city of Minneapolis, or to the sheriff, or any constable of said county."

SEC. 6. The municipal court shall be held in the city of Minneapolis at some suitable place to be provided therefor by the city council. Its judge shall be the chief magistrate of the city, and shall see that the criminal laws of the state, and the ordinances, laws, regulations and by-laws of said city are observed and executed, and for that purpose shall open his court every morning (Sundays and legal holidays excepted) and proceed to hear and dispose of, in a summary manner, all cases which shall be brought before him by the police officers of the city or otherwise, either with or without process, for violations of the criminal laws of this state, committed within the county of Hennepin, or of the ordinances, laws, regulations or by-laws of said city. The clerk of the court shall keep a record of all proceedings and enter all orders, judgments and sentences under the supervision of the judge, and issue commitments and executions as well as all other process.

SEC. 7. The clerk of the municipal court shall have the custody and care of all the books, papers and records of said court. He shall be present at all trials, unless absent from sickness, or with the consent of the judge, and in case of his absence, the judge may appoint some person temporarily in his place. He may swear all witnesses and jurors, and administer all oaths and affirmations, and take acknowledgments. He shall keep minutes of all proceedings, and enter all judgments, and make up and keep the records of the court under the direction of the judge. He shall tax all costs and disbursements allowed in any action, subject to review by the judge, and do all other things and acts necessary or proper to the enforcing and carrying out of the jurisdiction of the municipal court. He shall receive all fines, penalties and fees of every kind accruing to the court, or any officer thereof, including police officers, and keep full, accurate and detailed accounts of the same; and shall, on the first Monday of every month, deliver over to the city treasurer of the city of Minneapolis all moneys so received, with detailed accounts thereof, and take his receipt therefor.

SEC. 8. The municipal court shall hold regular terms for the trial of civil actions, on the first and third Tuesdays of every month, which terms shall continue from day to day with such adjournments as to the court may seem proper until the business of each term shall be finished, and the court may by rule or order, appoint such terms

to be held oftener or upon other days than the days above mentioned. All civil actions for the recovery of money only shall be commenced by summons, or by writ of attachment, to be issued by the clerk. The form of the summons may be as follows :

STATE OF MINNESOTA,	} ss.	CITY OF MINNEAPOLIS,
COUNTY OF HENNEPIN.		MUNICIPAL COURT.

THE STATE OF MINNESOTA,

To any Police Officer of the City of Minneapolis, or to the Sheriff or any Constable of said County :

You are hereby commanded to summon _____ if _____ shall be found within the county of Hennepin, to be and appear before the municipal court of the city of Minneapolis, at a term thereof to be holden on _____ the _____ day of _____ A. D. 18—, at the opening of the court, and answer to _____ whose complaint is on file in said court in a civil action, and have you then and there this writ.

Witness the Honorable _____

[L. s.] _____ Municipal Judge.
this _____ day of _____, A. D. 187 .

Clerk of the Municipal Court.

Or the summons may be in any other form which the court may by rule prescribe, and shall be served upon the defendant at least six days before the term at which the same is made returnable. No summons shall issue until the complaint in the action shall be made and filed with the clerk. The complaint may be presented in writing to be filed, or may be made orally, and reduced to writing by the clerk. If the defendant fail to appear at the opening of the court on the day at which the summons is returnable, he shall be defaulted. If he so appear, he shall then, or at such time as the court may designate, answer the plaintiff's complaint; and if the answer contain a counter claim, the plaintiff shall reply thereto forthwith, or at such time as the court may designate. The answer, or reply, may be presented in writing, or made orally and reduced to writing by the clerk. And each of such pleadings shall be verified by the party, or his agent or attorney, as in courts of justices of the peace. Either party may demur to any pleading of his adversary, as in the district court, but all pleadings in this court shall be construed liberally, and merely technical objections are to be disregarded.

ed. And the court may, for good cause, in its discretion, and on such terms as it may deem equitable, open any default at the same term at which it occurred, or allow any amendment of any pleading at any time, and shall disregard variances between the allegations of a pleading and the evidence, unless satisfied that the adverse party is prejudiced thereby. Either party shall be entitled to a continuance of any civil action until the next term of the court following the term at which the summons shall be made returnable; and further continuance may be granted upon sufficient cause shown, and on such terms as may be just. Said court shall also have authority to provide, by rule, that the plaintiff in any civil action shall, by bond, recognizance or deposit of money with the clerk, give security for costs in such sum as the court may designate, by such rule, before any summons or other process shall issue in the action.

SEC. 9. Any creditor desiring to proceed by attachment in said court, shall by himself, his agent or attorney, make and file his complaint in writing, together with an affidavit similar to the affidavit required by law in an application for a writ of attachment in justice's court, and also cause to be filed a bond with sufficient surety, to be approved by the judge, and similar to the bond required on a like application in justice's court, except that the limit of liability thereon shall be mentioned therein as "not exceeding the sum of two hundred and fifty dollars." The writ of attachment may be in form as follows:

STATE OF MINNESOTA,	} ss.	CITY OF MINNEAPOLIS,
COUNTY OF HENNEPIN.		MUNICIPAL COURT.

THE STATE OF MINNESOTA,

To any Police Officer of the City of Minneapolis, or to the Sheriff or any Constable of said County:

You are hereby commanded to attach the goods, chattels, moneys, effects and credits of _____ or so much thereof as shall be sufficient to satisfy the sum of _____ with interest and costs of suit, in whomsoever hands or possession the same may be found in said county of Hennepin, and so provide that the same may be subject to further proceedings as the law requires; and also to summon the said _____ if to be found within said county, to be and appear before the municipal court of the city of Minneapolis, at a term [thereof] to be holden on _____ the _____ day of _____, A. D. 18—, at the opening of the court,

and answer to _____ whose complaint is on file in said court, in a civil action, and have you then and there this writ.

Witness the Honorable _____
 _____ Municipal Judge, this _____

[L. s.] _____ day of _____ A. D.
 187—

Clerk of the Municipal Court.

Or the writ may be in any other form that the court may by rule prescribe, and shall in all cases be returnable as an ordinary summons. In all other respects the service of the writ and other proceedings thereon shall be similar, as near as may be, to the service of such writ and proceedings in justice's courts.

SEC. 10. When the object of an action is to recover the possession of personal property, the plaintiff, his agent or attorney, shall make and file his complaint in writing, together with an affidavit, similar to the affidavit required in a justice's court in a like action. The plaintiff or some person on his behalf, shall execute a bond, with sureties, to be approved by the judge, conditioned similar to bonds in such actions in justice's courts, and file such bond. And an action may be maintained on such bond, as upon similar bonds filed in like actions in justices' courts. The clerk shall thereupon issue the writ, which may be in form as follows:

STATE OF MINNESOTA,	} ss.	CITY OF MINNEAPOLIS,
COUNTY OF HENNEPIN.		MUNICIPAL COURT.

THE STATE OF MINNESOTA,

To any Police Officer of the City of Minneapolis, or to the Sheriff or any Constable of said County.

Whereas _____ complains that _____ has become possessed of, and unjustly detains from _____ the said _____ the following described goods and chattels, that is to say: [Particularly describing the articles and the value.] Therefore, you are hereby commanded that you cause the same goods and chattels to be replevied, without delay, and delivered to said _____ and to summon the said _____ if to be found within said county, to be and appear before the municipal court of the city of Minneapolis, at a term thereof to be holden on _____ the _____ day of _____ A. D. 18—, at the opening of the court, and answer to

_____ whose complaint is on file in said court, in a civil action ;
and have you then and there this writ.

Witness the Honorable _____

_____ Municipal Judge,
this _____ day of _____ A. D. 18—.

[L. s.]

Clerk of the Municipal Court.

Or the writ may be in any other form that the court may, by rule, prescribe. The writ shall be served, and all proceedings thereunder had, in the same manner (except as to times and forms of pleading and trial) as upon similar proceedings in justice's court. But the officer executing the writ shall retain the property taken under it in his own custody for three days before delivering the same to the plaintiff, and if within that time the defendant, or some one on his behalf shall execute to the plaintiff a sufficient bond, with two or more sureties, to be approved by the judge, conditioned as in like cases in the district court, and file such bond, the clerk shall thereupon issue an order to the officer to re-deliver such property to the defendant.

SEC. 11. The clerk of the court shall, prior to each term of the court, make up a calendar of the causes which will come up for trial, or for any disposition, before the court at such term, adopting such arrangement as the judge may direct ; and the court shall direct the order of the trial and other disposition of causes.

SEC. 12. Trial by jury may be had in the municipal court as in courts of justices of the peace, and the jury shall be selected in the same manner as in a justice's court, and venires therefor be issued by the clerk, and talesmen may be selected in the usual manner ; but no person shall be compelled to serve as a juror in said court oftener than once in each month, nor shall any person who has served as a juror in said court, be eligible as a juror or talesman in any cause that may be tried in said court within one month thereafter, if objected to by either party. The jury shall take the same oath which is prescribed for jurors in the district court, and the respective functions of judge and jury upon the trial of causes shall be the same as in the district court, and exceptions to the rulings and decisions of the judge, and his charges and refusals to charge, may be taken as upon trials in the district court. Where no other provision is otherwise made in this act, said municipal court is vested with all the powers which are possessed by the district courts in this state, and all laws of a general nature apply to the said municipal court, so far as the same can be made applicable and not inconsistent with the provisions of this act, Jurors in said municipal court shall be entitled to like fees in the trial of civil actions as jurors in justices' courts, to be collected and paid in the same manner ; but

the party demanding a jury in any civil action, shall [be] required to advance the jury fee before the commencement of the trial.

SEC. 13. Title eighteen (18) of chapter sixty-six (66) of the general statutes, relative to "trial by referees;" title nineteen (19) of the same chapter, relative to "exceptions," and title twenty (20) of the same chapter, relative to "new trials," shall apply to the said municipal court. And all causes may be removed from the said municipal court to the supreme court of the state of Minnesota, in the same manner and upon like proceedings, and with like effect, as from the districts courts.

SEC. 14. No judgment rendered in said municipal court shall attach as a lien upon real estate until a transcript thereof shall be filed in the district court, as hereinafter provided. But writs of execution thereon, in civil actions, may issue against the goods and chattels of the judgment debtor, returnable within thirty days, as in justices' courts. Every person in whose favor a judgment is rendered in said municipal court for an amount exceeding ten dollars besides costs, may, upon paying the fee therefor and all unpaid fees payable to the clerk in such action, demand and shall receive from such clerk a transcript of such judgment, duly certified, and may file the same in the office of the clerk of the district court of said Hennepin county, who shall file and docket the same, as in the case of transcripts of judgments from courts of justices of the peace. And every such judgment shall become a lien on the real estate of the debtor from the filing of such transcript, to the same extent as a judgment of the said district court, and shall thereafter be exclusively under the control of said district court, and carried into execution by its process, as if rendered in said district court. The clerk of said municipal court shall not issue such transcript while a writ of execution is outstanding in the hands of an officer or otherwise, and shall note on the record of such judgment the fact that such transcript has been given; and shall not thereafter issue any writ of execution on the same judgment, but may at any time give to the same party, or his representatives, a new transcript of such judgment in case of the loss of the transcript first given.

SEC. 15. Proceedings against garnishees may be instituted in the same manner as in justices' courts, but the summons may be served either by any officer or any indifferent person at any place within the state of Minnesota, and the summons may be made returnable at any term of said municipal court which may be named therein, and the notice required to be served on the defendant in the action may be signed either by the clerk of said court or the person who served the garnishee summons or by the plaintiff or his attorney. The disclosure of the garnishee may be taken [and] all fur-

ther proceedings had in the same manner as if the proceeding were in the district court.

SEC. 16. Complaints in criminal cases, where the defendant is not in custody, may be made to the court when in session, or to the judge or clerk, when not in session, and shall be made in writing, or reduced to writing by the judge or clerk, and sworn to by the complainant, whether the offense charged be a violation of the criminal laws of the state, or of the ordinances, regulations or by laws of said city. And the clerk, as well as the judge, is hereby made a conservator of the peace, and vested with the same authority, discretion and power to act in receiving complaints and issuing the warrants of said court in criminal cases. And complaints, warrants, and all other process in criminal cases may follow substantially the same forms heretofore in use by justices of the peace, with such alterations as may seem convenient to adapt the same to the style of said municipal court; or may be in such other form as the court may prescribe, sanction or approve. In cases where alleged offenders shall be in custody and brought before the court, or the clerk, without process, the clerk shall enter upon the records of the court a brief statement of the offense with which the defendant is charged, which shall stand in place of a complaint, unless the court shall direct a formal complaint to be made. The plea of the defendant shall be guilty or not guilty; in case of failure to plead, the clerk shall enter a plea of not guilty, and a former acquittal or conviction for the same offense may be proved under that plea as well as if formerly pleaded. In the examination of offenders charged with indictable offenses, the clerk shall keep such minutes of the examination as the court may direct and shall make the proper return to the court before which the party charged with the offense may be bound to appear.

SEC. 17. The judge of said court shall receive a salary of twenty-five hundred dollars per year, and the clerk of said court a salary of fifteen hundred dollars per year, payable from the city treasury of said city of Minneapolis, in quarterly installments; and neither the said judge nor clerk shall receive any other fee or compensation for his services. But in all proceedings had in said municipal court, like fees shall be charged and collected by the clerk, as costs, as are allowed by law to justices of the peace in proceedings and upon trials before them, or for similar services. It shall be the duty of the police officers of said city to serve all process issued by said court, and process shall not be given for service to any sheriff or constable, except in cases of necessity where the services of a police officer cannot readily be obtained, but this clause is directory and shall not affect the validity of services made by any officer. Police officers in making service of any process or doing other duty in respect to causes in said court, shall note and return to the court for collection

such fees for such services as are allowed to constables for the like services in justice's court. And all fees, whether so charged by the clerk or by any police officer, shall be collected by the clerk as costs, and by him be accounted for and paid over to the city treasurer of said city, as hereinbefore provided for. But no fees shall be charged against either the city, county or state.

SEC. 18. It shall be the duty of the mayor and chief of police of said city to see that a sufficient number of police officers are always in attendance upon said court, and in readiness to obey its mandates and serve its process, and preserve order in its proceedings. Police officers of said city shall hereafter receive for their services no other compensation than the salary paid them by said city; and if any fee, gratuity or reward shall be paid to any police officer for any service, he shall forthwith pay the same over to the clerk of said municipal court, for the use of said city, and the failure to do so shall be a misdemeanor, punishable by fine not exceeding one hundred dollars, or by imprisonment not exceeding thirty days.

SEC. 19. In case of the sickness or absence of the judge of the municipal court, the judge of the court of common pleas of the county of Hennepin is hereby authorized and empowered to hold said municipal court and perform all the duties and exercise all the functions of municipal judge. And the judge of said court of common pleas may, upon the request of said municipal judge, act as the judge of said municipal court, in the trial of any particular cause pending therein. In case it shall appear from the pleadings, or upon the trial of any cause, that the title to real estate is involved in the action, the municipal court shall not proceed further therein; but shall transfer the action to the district court, or the court of common pleas of said county, and the cause shall be proceeded within the court to which it shall be transferred, as if originally commenced therein.

SEC. 20. The city attorney of the city of Minneapolis shall have charge of the prosecution of all criminal proceedings before said municipal court; but the county attorney of the county of Hennepin may, at his discretion, act in the prosecution of offenders charged with offenses against the criminal laws of the state.

SEC. 21. The clerk of the municipal court shall, under the direction of the judge, and with the consent of the city council of said city (unless otherwise provided), from time to time, procure and furnish all the necessary blanks, stationery, record books, court room, jury room, and office furniture, lights and fuel for the use of the court and the officers thereof, at the expense of the said city.

SEC. 22. Upon the election and qualification of the municipal judge, all causes and proceedings then pending before justices of the peace within said city, shall forthwith, by said justices, be

transferred to said municipal court, with all papers and records concerning the same, and said municipal court shall take cognizance of such causes and proceedings, and proceed therein as if the same were originally commenced in said municipal court. And the dockets, records, files and papers in the custody of and all justices of the peace of said city shall at once be transferred and turned over to the said municipal court, which shall have full jurisdiction to finish and complete all proceedings pending before any justice of the peace, and to enforce, by execution or otherwise, all judgments theretofore rendered by justices of the peace within the present city of Minneapolis, and such judgments shall stand on the same footing as judgments of said municipal court. And after the election and qualification of said municipal judge, no justice of the peace within the city of Minneapolis shall issue any process, nor take cognizance of any action or proceeding, civil or criminal; but the jurisdiction of said municipal court shall, within said city, be exclusive in all causes heretofore cognizable before justices of the peace, except that this clause shall not effect the jurisdiction of any court of record having general jurisdiction, such as is conferred upon the district court.

SEC. 23. This act shall take effect and be in force from and after its passage.

Approved February 13, 1874.

CHAPTER CXLII.

AN ACT TO DETACH FROM THE TOWN OF BELLE PLAINE, IN THE COUNTY OF SCOTT, AND STATE OF MINNESOTA, A PORTION THEREOF, AND TO PROVIDE FOR THE TOWNSHIP ORGANIZATION OF THE PORTION SO DETACHED, AND ELECTION OF OFFICERS THEREFOR.

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

SECTION 1. That so much of township one hundred and thirteen north of range twenty five west, as lies in the county of Scott and state of Minnesota, except the easterly tier of sections thereof, be and the same is hereby [detached from the town of Belle Plaine,