

such assessment the sum of fifty cents for each lot, against which a judgment is sought to be obtained, for the cost of advertising the notice required by said section.

SEC. 4. Section eighteen of chapter ten of said act is hereby amended by striking out all after the word "record," at the end of the twenty-first line, down to the word "and," in the twenty-eighth line, and substituting and inserting in lieu thereof the following: "Forty cents cost shall be levied to each lot against which judgment is rendered, for fees of the clerk of said court; and the further sum of seventy-five cents to each lot, for advertising the notices required by chapter ten of said act; *Provided*, That in all cases where a defense is interposed, and not sustained, the court may direct, by special order or by rule, such additional costs, to be included in the judgment, as may be deemed proper; *Provided further*, That in cases where no defense is interposed, said sum of forty cents shall be in full of all fees of the clerk, including the entry of satisfaction, and when any proceeding is dismissed, the clerk shall only be entitled to charge the city fifteen cents per lot."

SEC. 5. Section thirty of chapter ten of said act is hereby amended by striking out all of said section after the word "in," in the second line, and substituting and inserting in lieu thereof the following: "the office of the city treasurer of said city."

SEC. 6. This is a public act, and need not be pleaded or proven in any court in the state.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 8, 1875.

CHAPTER IV.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ESTABLISH A MUNICIPAL COURT IN THE CITY OF MINNEAPOLIS, BEING CHAPTER ONE HUNDRED AND FORTY-ONE OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND SEVENTY-FOUR."

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

SECTION 1. Section seven of said act is hereby amended by adding at the end of said section the following: The clerk of said municipal court may, when authorized so to do by the city council of the city of Minneapolis, if in their discretion they deem the appointment necessary, with the sanction of the judge of said court, appoint a deputy clerk of said municipal court, for whose acts the said clerk of said court shall be responsible, and said deputy shall be appointed under the hand of said clerk and seal of said court, with the

sanction of the judge, endorsed on the back of such appointment, and before any deputy clerk of said court shall enter upon the duties of his office, he shall take and subscribe the same oath prescribed and required to be taken by the clerk of said court, and execute a bond to be approved by said clerk, which oath, together with the appointment of such deputy clerk, and such bond shall be filed in the office of the city clerk of said city of Minneapolis, and the clerk of said court, or the judge thereof, may at any time remove any deputy appointed under the provisions of this act. The deputy clerk, appointed under the provisions of this act, shall receive a salary of six hundred dollars per year, payable from the city treasury of said city of Minneapolis, in quarterly installments. The deputy appointed under the provisions of this act, may administer oaths, take acknowledgments, and perform all the duties pertaining to the office of clerk of said municipal court.

SEC. 2. Section eight of said act is hereby amended so as to read as follows :

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 summons may be as follows :

STATE OF MINNESOTA, } County of Hennepin. }	} ss.	MUNICIPAL COURT, CITY OF MINNEAPOLIS.
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The state of Minnesota, to any police officer of the city of Minneapolis, or 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 Tuesday, the..... day of.....A. D.....at the opening of the court, and answer to....., whose complaint is on file in said court, and have you then and there this writ. The amount claimed by the plaintiff in said complaint, is the sum of.... dollars and.....cents, and interest thereon, from and since the.....day of..... A. D. 18...., at the rate of.....per cent. per annum.

Witness the honorable.....
 [L. s.] municipal judge, this.....day of.....
A. D. 18.....

 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. The

manner of service shall be the same as that required by law for the service of summons issued in courts of justices of the peace in this state. And a summons issued out of said municipal court may be served by publication in like manner, as provided in sections twelve and thirteen of title two of chapter sixty-five of the general statutes of eighteen hundred and sixty-six of this state, relating to service of summons by publication. No summons shall issue until the complaint in the action shall be made and filed with 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 shall be reduced to writing and filed with the clerk, and each of such pleadings shall be verified by the party, or his agent or attorney, either as in courts of justices of the peace or in the district courts of this state. Either party may demur to any pleading of his adversary, as in the district courts, but all pleadings in this court shall be construed liberally, and merely technical objections are to be disregarded, and the court may, for good cause, in its discretion, and on such times 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, (except actions for forcible entry and unlawful detainers,) until the next term of the court following the term at which the summons shall be made returnable. And further continuances 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. Costs are allowed to the prevailing party in actions commenced in said municipal court as follows: To the plaintiff upon a judgment in his favor of one hundred dollars or more, or in actions of replevin when the value of the property is one hundred dollars or more, when no issue of fact or law is joined, five dollars. When an issue is joined, ten dollars. To the defendant, when the amount claimed in the complaint is one hundred dollars, or more, upon discontinuance or dismissal, five dollars. When judgment is rendered in his favor on the merits, ten dollars. Costs and disbursements shall be taxed and allowed in the first instance by the clerk, upon two days' notice by either party, and inserted in the entry of judgment. The disbursements shall be stated in detail, and verified by affidavit, which shall be filed. The party objecting to any item shall specify, in writing, the grounds of objection, and the same in case of appeal shall be certified to the court, by the clerk, and the appeal shall be heard and determined upon the objection so certified, and none other.

SEC. 3. Section thirteen of said act is hereby amended so as to read as follows:

Sec. 13. Title eighteen of chapter sixty-six of the general statutes, relative to "trial by referees," title nineteen of the same chapter, relative to "exceptions," and title twenty, relative to "new trials," shall apply to said municipal court, and section four of chapter twenty-seven of the general statutes, relating to "reporter of the supreme court, and the distribution of the supreme court reports," shall apply to the judge of 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 district court; and said municipal court shall have jurisdiction of actions of "forcible entries and unlawful detainers," and may fix return days for such actions, other than the regular term days of said court; and chapter eighty-four of the general statutes, relative to forcible entries and unlawful detainers, shall apply to said municipal court.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 4th, 1875.

CHAPTER V.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO ESTABLISH A MUNICIPAL COURT IN THE CITY OF MINNEAPOLIS, BEING CHAPTER ONE HUNDRED AND FORTY-ONE OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND SEVENTY-FOUR.

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

SECTION 1. Chapter one hundred and forty-one of the special laws of eighteen hundred and seventy-four, entitled an act to establish a municipal court in the city of Minneapolis, is hereby amended by adding thereto the following sections, to-wit:

Sec. 24. In all cases, in said municipal court, where the service of the summons is made by leaving a copy thereof at the last usual place of abode of the defendant, and where the service of the summons is made by publication, before judgment is rendered, the plaintiff shall file, or cause to be filed, with the clerk of said court, a bond, with sufficient sureties, to be approved by the judge of said court, in double the amount of the judgment claimed, conditioned that if the defendant, within six months from the rendition of said judgment, appears, and is admitted to defend the action, the plaintiff will abide the order of the court therein, and will refund all amounts collected upon said judgment, and make restitution of all