

said town, on the 22d day of June, 1875, authorizing said supervisors to issue said bonds, be and the same are hereby legalized and made lawful acts.

SEC. 2. And the said board of supervisors, and their successors in office, are hereby authorized and required to levy a special tax upon the taxable property of said town, to provide for the payment of said bonds, and the interest thereon as they mature.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 17, 1876.

CHAPTER CC.

AN ACT TO AMEND THE CHARTER OF THE CITY OF STILLWATER, PROVIDING FOR A MUNICIPAL COURT THEREIN.

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

SECTION 1. An act entitled "An act to reduce the law incorporating the city of Stillwater, in the county of Washington, and state of Minnesota, and the several acts amendatory thereof into one act and to amend the same," approved March 3, 1870, with the amendments thereto thereafter duly made, is hereby amended as follows, viz: Section two (2), chapter two (2) of said act, amended so that the first clause thereof comprising part of the first four lines, as the same appear in the copy thereof printed by authority of the legislature as special laws, shall read as follows :

Sec. 2. The elective officers of said city shall be a mayor, treasurer and a judge of the municipal court, all of which officers shall be residents in and qualified voters of said city.

SEC. 2. The words "one justice of the peace and" in the fourth and fifth lines of said copy of said section are hereby stricken out, and the words "justices of the peace," when the same refer to the justices of the peace in and for said city, wherever they may occur in said act are hereby stricken out, also the words "justices of the peace" in line three, of section thirteen, of chapter three, of said act printed as aforesaid, and the proviso occurring in lines seventeen, eighteen, nineteen and twenty of said section thirteen is hereby stricken out, and the last clause, being part of the last six lines of section fourteen of said chapter three of said act. Said act is also amended by substituting the words "judge of the municipal court" in place of "city justices," whenever the same occur therein.

SEC. 3. The third section of chapter six of said act is also hereby amended by striking out the words "which the said justice shall reduce to writing," in lines thirteen and fourteen of said section, and also by striking out the sentence commencing in the seventeenth line of said

section and ending in line twenty-one thereof, and also by striking out the words "a justice of the peace," in lines twenty-two and twenty-three of said section, and substituting in lieu thereof the words "the municipal court," and also by striking out the word "justice" in the twenty-eighth line of said section, and inserting in lieu thereof "court."

SEC. 4. There is hereby established in said city a court of record, to be called "municipal court," for the transaction of all business which may lawfully come before it.

SEC. 5. Said court shall have a clerk and a seal, and shall have, in addition to the jurisdiction and powers now conferred by said act upon the city justice of said city, cognizance of and jurisdiction to hear, try and determine civil actions or proceedings, where the amount in controversy does not exceed three hundred dollars, or where, in case the action is for the recovery of personal property, the value of such property does not exceed three hundred dollars; *Provided, however,* That such cognizance and jurisdiction shall only extend to actions of the same nature and character, save as to amount, now or hereafter cognizable before a justice of the peace: *And provided further,* That where a counter claim in excess of three hundred dollars over plaintiff's claim, or where any equitable defense or ground for equitable relief, of a nature not cognizable before a justice of the peace, is interposed, or where it appears that the title to real estate is involved, the said court shall immediately cause an entry of the fact to be made of record, and cease all further proceedings in the cause, and certify and return to the district court of the county of Washington, a transcript of all entries made in the record relating to the case, together with all process and other papers relating to the suit, in the same manner and within the same time as upon an appeal from justice court, and thereupon the said district court shall proceed in the cause to final judgment and execution, according to law, the same as if the said suit had been originally commenced in said court, and the costs shall abide the events of the suit, except that the plaintiff shall advance the costs of the said municipal court in the suit.

SEC. 6. There shall be elected at the general city election, in the year one thousand eight hundred and seventy-six, in said city, and every second year thereafter, a suitable person, with the qualifications hereinafter mentioned, to the office of judge of said court, to be called "municipal judge," who shall hold his office for the term of two years, and until his successor is elected and qualified. In case of any vacancy in the office of municipal judge, occurring after such election in the year one thousand eight hundred and seventy-six, the governor of the state of Minnesota shall appoint to fill the vacancy some person qualified as hereinafter mentioned, who shall hold his office until his successor is elected and qualified. At the next annual city election, occurring more than thirty days after a vacancy in said office shall have happened, a judge of said court, qualified as aforesaid, shall be elected for the full term and until his successor is elected and qualified. In case the said vacancy shall have occurred within a period of thirty days before the general city election, then the said judge shall be elected at the general city election in the year following that in which the

vacancy shall have happened, for the said full term and until his successor is elected and qualified.

SEC. 7. Every judge of said court shall be a resident of the city [of] Stillwater, and a person duly admitted to practice as an attorney in the courts of this state; and before entering upon the duties of his office he shall take and subscribe an oath as prescribed by the general statutes for judicial officers, which oath shall be filed in the office of the city clerk of said city. The judge of said municipal court shall have the general powers of judges of courts of record, and may administer oaths, take and certify acknowledgments in all cases, and, as conservator of the peace, shall have all powers and authority which is by law vested in justices of the peace or any other judicial officer.

SEC. 8. The city clerk of said city shall be *ex officio* clerk of the said municipal court. 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 Stillwater 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 preceeding; 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 treasurer of said city. Such clerk shall have power to appoint, subject to the approval of the judge, a deputy clerk, with the like powers of the clerk, for whose acts the said clerk shall be responsible.

SEC. 9. 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 court of record, except that it shall not have jurisdiction to issue writs of habeas corpus, *quo warranto*, *ne exeat*, mandamus, prohibition or injunction. It shall also have all the powers and jurisdiction conferred on justices of the peace by chapter eighty-four, general statutes, and the proceedings shall be the same as therein provided, except that no appeal shall be allowed except to the supreme court. 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." 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 form, 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 Stillwater, or to the sheriff or any constable of said county, and may be served the same as a

summons in the district court, and service by publication may be ordered and made in like manner.

SEC. 10. The said municipal court shall be held in the city [of] Stillwater at some suitable place to be provided therefor by the city council. Its judge shall be 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 violation of the criminal laws of this state, committed within the county of Washington 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. 11. 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 by himself or deputy at all trials, unless absent from sickness, or by consent of the judge, and in case of the absence of both clerk and deputy, the judge may appoint some person temporarily to the position. He may swear all witnesses and jurors, and administer all oaths and affidavits, 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, and when the judge is not present, adjourn the court from day to day. 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 the jurisdiction of the municipal court. He shall receive and collect 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 Stillwater, moneys so received with detailed accounts thereof, and take his receipt therefor.

SEC. 12. 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.	Municipal Court.
County of Washington.		City of Stillwater.

The state of Minnesota, to any police officer of the city of Stillwater, or the sheriff, or any constable of said county:

You are hereby commanded to summons

if shall be found within the county of Washington, to be and appear before the municipal court of the city of Stillwater, 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.

The summons may be served by any indifferent person.

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 pleadings of his adversary, as in the district court, but all pleadings in this court shall be construed liberally. And the court may, for good cause, in its discretion, and on such terms as it may deem equitable, open any default within six months after the same is made, and may allow any amendment of any pleading, at any time, and shall disregard variance 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 in the case of proceedings under the provisions of chapter eighty-four, general statutes of Minnesota, until the next term of the court following the term at which the summons shall be returnable; and further continuance may be granted upon such 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, or at any other time. The counter claim in the defendant's answer may be such a one as could be interposed in the district court.

SEC. 13. 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 caused to be filed a bond with sufficient surety to be approved by the judge, and similiar 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 three hundred and fifty dollars. The writ of attachment may be in form as follows:

STATE OF MINNESOTA, }
County of Washington. } ss.

CITY OF STILLWATER,
MUNICIPAL COURT.

The state of Minnesota to any police officer of the city of Stillwater, 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 dollars, with interest and costs of suit in whomsoever hands or possession the same may be found, in said county of Washington, 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 Stillwater 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

.
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 court; *Provided, however,* That in all cases where such writ shall be served on the defendant, personal judgment may be entered in said action, whether property be actually attached by virtue of said process or not.

SEC. 14. 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 court in like action. The plaintiff, or some person on his behalf, shall execute a bond with surety to be approved by the judge, conditioned similar to bonds in such actions in justice court, and file such bond, and an action may be maintained on such bond as upon similar bonds filed in like actions in justice courts. The clerk shall thereupon issue the writ, which may be in form as follows:

STATE OF MINNESOTA, }
County of Washington. } ss.

CITY OF STILLWATER,
MUNICIPAL COURT.

The state of Minnesota to any police officer of the city of Stillwater, 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, (describing the articles with reasonable certainty and stating their alleged 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 summons the said. if to be found within said county, to be and appear before the municipal court of the city of Stillwater, 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

. 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 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 in his behalf, shall execute to the plaintiff a sufficient bond, with one 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. 15. 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. 16. Trial by jury may be had in the municipal court, as in courts of justice of the peace, and the jury shall be selected in the same manner as in 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 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, three pre-emptory challenges of talesmen may be made 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 provisions 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 of sixty cents for each juror before the jury is sworn.

SEC. 17. 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 of the same chapter, relative to "new trials," shall apply to the said municipal court. Disbursements shall be allowed the prevailing party in said municipal court, and costs to be taxed forthwith without notice; such costs [to] shall be as follows: To the plaintiff, upon a judgment in his favor, five dollars; to the plaintiff, upon a judgment in his favor, upon a trial on the merits where the amount thereof, or the value of personal property recovered, exclusive of disbursements, exceeds fifty dollars, an additional five dollars; to the defendant, when judgment is rendered in his favor on the merits, after trial, of an issue of fact, five dollars; and if the amount of money or value of property claimed in the complaint exceeds fifty dollars, an additional five dollars. Appeals from this court shall be in all cases to the supreme court where they lie in similar cases from judgments and orders of the district court.

SEC. 18. 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 upon entry of judgment against the goods and chattels of the judgment debtor, returnable within thirty days; judgment may be stayed in this court the same as in justice's 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 file the same in the office of the clerk of the district court of the county of Washington, who shall file and docket the same as in the case of transcripts of judgment from courts of justices of the peace, and every such judgment shall become a lien upon 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, so far as relates to the enforcement of the same, 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 in the hands of an officer and not returned or lost, 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. 19. 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, not less than six days, 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 further proceedings had in the same manner as if the proceedings were in the district court.

SEC. 20. Complaints in criminal cases, where the defendant is not in custody, may be made to the court while 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 on receiving complaints, and issuing the warrants of said court in criminal cases. And complaints, warrants, and other process in criminal cases, may follow substantially the same forms heretofore in use by the justices of the peace or the city justice, with such alteration 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 formally 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. 21. The judge of said court shall receive a salary of twelve hundred dollars per year, and the clerk of said court a salary of three hundred dollars per year exclusive of his salary as city clerk, payable from the city treasury of Stillwater in monthly installments, and neither the said judge, clerk, or deputy 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 the law to justices of the peace in proceedings, and upon trials before them, or for similar services. Police officers of said city are hereby vested with all the powers of constables under the

statutes of Minnesota, as well as at common law, and 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 as are allowed to constables for the like services in justices' court, and all fees, whether so charged by the clerk or any police officer, whether due from the county on preliminary examination or otherwise, 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.

SEC. 22. 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 the proceedings. Police officers of said city shall hereafter receive for their services no other compensation than the salary paid them by said city, except as otherwise provided in the act to which this is amendatory, and if any fee 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 a failure to do so shall be a misdemeanor, punishable by fine not exceeding one hundred dollars, or by imprisonment not exceeding thirty days. The mayor of said city shall have the power, in his discretion, to appoint one or more persons, approved by the municipal judge, as policemen for special attendance and duty in said court, irrespective of the general or special rules or legal regulations and enactments, relative to the qualifications of policemen, but such persons shall receive the same, but no greater compensation, unless the council direct greater compensation, as ordinary police, and all policemen attending said court may be required to give bonds to said city, in such sum as the council shall direct, for the performance of their duties for the use of all persons interested; *Provided, however,* That the above shall not affect the powers and duties of the general police in said court.

SEC. 23. There shall be one special judge of said municipal court, whose manner of election, term of office, powers and duties, shall be the same as those of municipal judge, except as otherwise provided in this act, and their successors shall be elected and vacancies in their offices filled in like manner. In case of a press of business in said court, at the request of the municipal judge, or in case of the absence or sickness of the municipal judge, on the request of the mayor or acting mayor of said city, the said special judge shall act as judge of said court, and when the special judge so acts at the request of the municipal judge, the said special judge and the municipal judge may each have and exercise the powers of the said court. If on the return of the process or at any time before the trial commences in any action or proceeding, civil or criminal, either party, his agent or attorney, makes affidavit that the judge is a material witness in the case, or that from prejudice, bias or other cause, he believes said judge will not decide impartially in the matter, the said judge shall forthwith turn over the said cause with all the papers and records therein, to the said special judge, who shall thereafter act as judge in the case, with full powers as court. Said special judge shall not act on the trial or examination of any case or otherwise, except as above provided, and any special judge acting as judge of said court, shall receive compensation

from the city at the rate of four dollars per day, in the absence or sickness of the municipal judge, but not when acting at the request of the municipal judge, unless the city council shall previous to the performance of such services so direct. This section shall not incapacitate any such special judge from acting as attorney in any case in said court, but when such judge is acting as such judge of said court, he shall take no action in such case save to adjourn the same.

SEC. 24. The city attorney of the city of Stillwater, shall have charge of the prosecution of all criminal cases before said municipal court not indictable, and the county attorney of the county of Washington, shall act in the prosecution of offenders charged with indictable offenses, when so required by law to prosecute before justice of the peace.

SEC. 25. 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. 26. All causes and proceedings pending before justices of the peace within the said city at the time of the passage of this act, 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 any 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 Stillwater, and such judgment shall stand on the same footing as judgments of said municipal court. And from and after the passage of this act, no justice of the peace within the city of Stillwater, shall issue any process, or 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 the city justice, except that this clause shall not affect the jurisdiction of any court of record having general jurisdiction such as is conferred on the district court.

SEC. 27. The term of office of each justice of the peace now existing in said city shall cease at the end of two years for which he was elected, and shall not continue until his successor is elected and qualified. The said municipal court shall have the custody and possession of all dockets, records, files and papers of all justices in said city, whose terms have expired, except where the same are lawfully in the possession of existing justices, and each justice in said city upon the termination of his office as herein provided for, or other termination of his office, shall forthwith transfer all pending cases, and all dockets, records, files and papers in his custody, to the said municipal court, which shall have full jurisdiction to finish and complete all proceedings pending, when transferred before any justice of the peace, and to enforce by execution or otherwise all judgments existing on such dockets

thus transferred or in his possession of such court, and such judgments shall stand on the same footing as judgments of the said municipal court. The jurisdiction of said municipal court shall within said city be exclusive in all causes hereafter cognizable before justices of the peace, save as above excepted as to existing justices during their present terms of office, and 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. 28. When any transfer of any action before a justice of the peace now existing in said city, is made under section eighteen of chapter sixty-five of the general statutes, such transfer with all papers appertaining to the action, shall be made to the said municipal court, and not to another justice, and the said municipal court shall thereupon proceed to hear and determine the said action, and act thereupon in the same manner as if the same had been originally commenced therein.

SEC. 29. All appeals hereafter taken from the judgment of any justice of the peace now existing in said city, shall be taken to the said municipal court, and not to the district court, and title eleven of chapter sixty-five as amended, shall, save as to the court to which the appeal is to be taken, apply to the said appeal, and as far as applicable to the said municipal court in becoming possessed of any proceeding upon said appeal, and in all other respects.

SEC. 30. In all criminal cases tried in said court in which the defendant shall be convicted, the clerk shall tax as costs of court, and if not paid judgment shall be entered therefor against the defendant, in the following sums, viz: In cases where no warrant is issued, and the defendant upon being arraigned shall plead guilty, two dollars. In cases where warrant shall be issued and the defendant upon arraignment pleads guilty, two and one-half dollars. In cases where the defendant shall plead not guilty and shall be tried before the court, five dollars. In cases where the defendant shall plead not guilty and be tried before a jury, ten dollars. Said sums respectively to be in addition to all costs of witnesses, jurors and other costs taxed in said actions or either of them.

SEC. 31. In all examinations held by or before said court to enquire of offenses of which said court shall not have final jurisdiction, the clerk shall tax as costs of said court for making such examination, the same fees as are now allowed to justices of the peace for similar services and fifty per cent. additional thereto.

SEC. 32. The plaintiff upon making his complaint in all civil actions shall pay to the clerk of said court, one dollar for each one hundred dollars or fraction thereof claimed in the complaint.

SEC. 33. All process issued by said court may run into any adjoining county in this state, and be served therein, by any police officer or sheriff or constable of said county, or by any indifferent person therein in the manner provided.

SEC. 34. All parts of the aforesaid act approved March 3d, A. D. 1870, and the amendment thereto in conflict with the provisions of this act and all acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 35. This act shall take effect and be in force from and after Tuesday the fourth day of April, A. D. 1876.

Approved March 6, 1876.

CHAPTER CCI.

AN ACT TO PROVIDE FOR COMMISSIONERS OF THE INTEREST AND SINKING FUND OF THE CITY OF STILLWATER.

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

SECTION 1. The mayor, the president of the city council and the chairman of the finance committee of said city council shall constitute and be denominated "The commissioners of the interest and sinking fund of the city of Stillwater."

SEC. 2. Any two of the officers above named are hereby authorized and required to discharge the trusts and duties vested in them in the succeeding sections of this chapter, but shall not be entitled to receive any additional salary or compensation for such services.

SEC. 3. The said commissioners shall from time to time invest the moneys which shall constitute the sinking fund for the redemption of the city debt or any surplus of interest to the credit of the interest fund or as much as they can in the purchase of bonds issued by said city, or the school bonds of the Stillwater city school district at the market price, not exceeding the par value thereof, and the said commissioners shall be authorized to invest the said moneys or such part thereof as they see fit, either in the purchase of said bonds or in the bonds of the state of Minnesota or in United States bonds, notwithstanding the said state or United States bonds may be above the par value thereof, or deposit the same in a designated depository, as hereinafter provided; *Provided*, That they shall at all times give the preference to the purchase of city bonds if the same can be procured at reasonable rates, and in the purchase of such city bonds preference is to be given to the bonds of said city first falling due.

SEC. 4. In case said city bonds cannot be purchased at par value and said commissioners shall deem it desirable, they may deposit a part or all of said sinking and interest fund in one or more designated national banks, savings banks, state or private bank or banks in the name of the city of Stillwater, such bank, banks or banker shall be designated by the said commissioners after advertising in one or more newspapers published in the city of Stillwater for at least one week for proposals, which proposals shall state that security will be given to the said city for such funds as deposited, and what interest will be paid on the amount so deposited, and said funds with the accrued interest shall be held subject to draft and payment from and after a time to be designated by said commissioners at the time of depositing said funds.