

county of Crow Wing shall receive the sum of five (5) per cent. and the treasurer three (3) per cent of such collections as compensation, and after the collection of said taxes and the liquidation of all of said outstanding indebtedness, the over-plus, if any there shall be, shall be applied to the payment of the annual compensation for the levy and collection of taxes and for other expenses, in lieu of the levy authorized by this act, but if such collections shall be insufficient to meet such indebtedness as fast as the same shall mature, then the proper officers of said Crow Wing county, shall annually levy and collect upon the taxable property of said Cass county, such sums as may be necessary to pay such indebtedness as fast as the same shall become due. *Provided, however,* That no such tax shall be levied for the year 1876.

SEC. 10. This act shall take effect and be in force from and after its passage, but the said officers of said Cass county shall have six months from the passage hereof in which to comply with the provisions hereof, and may continue in office for that purpose at the salaries now prescribed by law, and for the purpose of receiving and paying over such taxes as may be paid in during said period of six months.

Approved March 3d, 1876.

CHAPTER CCIX.

AN ACT RELATIVE TO THE JUDGES OF THE DISTRICT COURT FOR THE SECOND JUDICIAL DISTRICT, AND TO MERGE THE COURT OF COMMON PLEAS OF RAMSEY COUNTY INTO SAID DISTRICT COURT.

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

SECTION 1. There shall be elected in the second judicial district, three judges of the district court of such district, any one or more of whom shall have and exercise the powers of the court as now prescribed by law, [relative] to the present judge of said court, except as otherwise provided by this act, and all laws now in force whether general or special, as to the qualifications, election, canvass of votes, oath and term of office, and commencement of such term, compensation, jurisdiction, duties, authority and powers of the present judge of said district court shall apply to all the judges of said court, and their successors shall be elected, and vacancies in their offices filled as now provided in relation to the said judge of said court. *Provided, however,* That the present judge of said court and the judges of the court of common pleas of the county of Ramsey shall be the judges of said district court for the unexpired terms, for which they were elected, and until their successors are elected and qualified. *And provided further,* That each of said judges of the said court of common pleas shall immediately after the passage of this act take and file an oath of office as

judge of said district court, in the same manner as is now prescribed by law, relative to the present judge of such district court.

SEC. 2. The said judges or a majority of them may act in joint session for the trial or determination of any matter before the court including the trial of jury cases, and when so acting the judge senior in office, or if neither be senior in office the judge senior in age shall preside, and the decision of the majority shall be the decision of the court. If, however, only two of the said judges are so acting, and there is a division of opinion, the opinion of the presiding judge shall prevail. Process may be tested in the name of any one of the said judges.

SEC. 3. The business of said court may be divided between the said judges and otherwise regulated by rules or otherwise, and each of the said judges may separately try court or jury cases during the same term or at the same time.

SEC. 4. There shall be three general terms of said court for the transaction of both civil and criminal business, and said terms shall be held on the second Tuesday of January, May and October in each year.

SEC. 5. Grand and petit jurors shall be drawn for each of said terms on or before fifteen days prior to each of said terms and venire issued therefor and served as now provided by law, but no grand or petit jurors shall hereafter be drawn for said court of common pleas.

SEC. 6. All recognizances and commitments for criminal offenses shall be made returnable to the said district court and all appeals from justices of the peace, except from justices in the city of St. Paul shall be taken to said district court.

SEC. 7. The court of common pleas of the county of Ramsey is hereby merged in said district court, and all business and proceedings in said court of common pleas, and pertaining and returnable thereto, and the possession custody and control of all dockets, registers, judgment books, records, files and papers of the said court of common pleas, are hereby transferred to said district court, and all actions and proceedings now pending on appeal or otherwise, from said court of common pleas in the supreme court shall, when remitted, be remitted to the said district court, and all recognizances, bail bonds, and other bonds, undertakings, executions, processes, appeals from justices of the peace, and all proceedings now outstanding returnable to said court of common pleas, shall be returnable to said district court, and all liens and rights under judgments, transcripts of judgments, execution or attachment levies or otherwise in said court of common pleas, shall remain unimpaired by this act, and the said district court shall take cognizance of and have full jurisdiction, authority and power to proceed in, finish, complete and enforce and relieve against all such process, writs, levies, judgments, transcripts, actions and proceedings as fully as if the same had been originally commenced in, taken to, or pending in said district court, and all executions, writs, process, certificates and other proceedings hereafter taken in actions and matters now pending in said court of common pleas, or returnable or pertaining thereto, shall be entitled in the said district court; and it is the intent and hereby declared to be the effect of this act, that everything in the said court of common pleas, or pertaining or to appertain thereto, or which may arise therefrom, shall be acted on, disposed of and accomplished

as fully and completely in the said district court as if originally the same therein were, whether it be specially or not in this act, mentioned.

SEC. 8. All recognizances, bonds, process and other papers heretofore issued, returnable at any term of the district or common pleas court as the said terms were established before the passage of this act, shall be returnable at the term of the district court as now fixed next succeeding that at which they were returnable.

SEC. 9. The judges of the said court of common pleas and the clerk thereof, shall cease to transact any business therein after this act takes effect, and the said judges of the court of common pleas shall receive no compensation as judges of said court of common pleas, after this act takes effect, but shall receive the same compensation as judges of district court as received by the present judge of said district court.

SEC. 10. An act entitled "An act relating to the court of common pleas in and for the county of Ramsey, and providing for an additional judge thereof," approved March 5, 1875, and an act entitled "An act relating to the terms and juries of the district court of the second judicial district," approved March 9, 1875, are hereby repealed; *Provided*, That the provisions of said last mentioned act in relation to the summoning of juries by special venire for the trial of issues of fact in cases wherein equitable relief is sought, shall continue in force, until the final adjournment of the general term of said district court now in progress; *And provided further*, That nothing contained in this act, shall have the effect to put an end to the general term of said district court now in progress, before the final adjournment thereof by said court.

SEC. 11. This act shall take effect and be in force in five days from and after its passage.

Approved March 2, 1876.

CHAPTER CCX.

AN ACT TO AMEND THE CHARTER OF THE CITY OF ST. PAUL, IN RELATION TO THE FIRE DEPARTMENT OF SAID CITY.

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

SECTION 1. Chapter ten of the charter of the city of St. Paul, in relation to fire department, be and the same is hereby amended by adding thereto the following section :

Sec. 7. The common council shall have power at any time, whenever the best interests of the city may require it, to establish and maintain a paid fire department of said city, or in any part thereof, and said council shall have the sole and complete control and supervision of said fire department. *And provided, further*, That in order