

CHAPTER 54.

AN ACT TO AMEND SECTION THIRTEEN (13) OF CHAPTER TWENTY-THREE (23), SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE (1875), CHARTER OF VILLAGE OF EYOTA.

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

SECTION 1. That section thirteen (13) of chapter twenty-three (23) of Special Laws of one thousand eight hundred and seventy-five (1875), be amended by adding the following words :

Provided, that when any vacancy occurs in the office of justice of the peace, recorder, constable, assessor, or treasurer, such vacancy shall be filled by appointment by the common council. Any person appointed to fill a vacancy, shall hold his office until the next following charter election, and until his successor is elected and qualified.

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

Approved January 17, 1877.

CHAPTER 55.

AN ACT TO AMEND AN ACT ENTITLED "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. Sections five (5) and sixteen (16) of chapter one hundred (100) of the Special Laws of A. D. one thousand eight hundred and seventy-six (1876), the same being an act entitled "An act to amend the charter of the city of Stillwater, providing for a municipal court therein," approved March sixth (6th), A. D. one thousand eight hundred and seventy-six (1876), be and the same is hereby amended so as to read as follows :

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 five hundred dollars (\$500), or where in case the action is for the recovery of personal property, the value of such property does not exceed five hundred dollars (\$500). *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 counterclaim in excess of five hundred dollars (\$500) 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 courts, 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. 16. Trial by jury may be had in the municipal court as in courts of the justices of the peace, and the jury shall be selected in the same manner as in justice's court, and venires, therefore, 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 (1) month thereafter, if objected to by either party. Three (3) peremptory 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 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. When [where] no other provisions are 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 (60) cents for each juror, before the jury is sworn. That jurors in criminal cases shall be entitled to like fees as jurors

in civil cases, which said fees shall be taxed as a part of the costs in the case.

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

Approved February 20, 1877.

CHAPTER 56.

AN ACT TO AMEND AN ACT ENTITLED, "AN ACT TO INCORPORATE THE VILLAGE OF JORDAN, IN THE COUNTY OF SCOTT, AND STATE OF MINNESOTA."

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

SECTION 1. Chapter sixteen (16) of the Special Laws of one thousand eight hundred and seventy-two (1872), entitled, "An act to incorporate the village of Jordan, in the county of Scott, and State of Minnesota," is hereby amended by adding thereto the following sections, to-wit:

Sec. 34. The village council shall have power to assess, levy and collect taxes on all property, real and personal, within the limits of the village, for the general purposes of the corporation created by said act.

Sec. 35. No tax shall be levied on the taxable property of said village to exceed in any one (1) year ten (10) mills on the dollar of the assessed valuation of the property of said village of the last preceding year, unless authorized by a previous vote of the electors of said village.

Sec. 36. The council shall have power to provide by ordinance for the manner of assessing and enforcing the collection of all taxes levied under the provisions of this act, but until express provision is made in regard to that subject, all taxes shall be collected as follows: The recorder shall deliver to the county auditor of Scott county a certificate signed by him, under the seal of the corporation, setting forth the amount levied upon every dollar in value of the taxable property within the limits of the corporation as incorporated by said act. it thereupon shall become the duty of said auditor to add the amount thus levied to the assessment rolls of the year in which such levy was made, and it shall become the duty of the county treasurer of said county to collect the amount thus added to the assessment roll, and to enforce the collection of the same in like manner as other taxes of said county of Scott, placed in his hands for collection, and to pay the amount so collected to the treasurer of the village of Jordan, as incorporated by said act.