

## CHAPTER 68.

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

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

SECTION 1. That section twenty-one (21) of the 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, viz :

[Section 21.] The judge of said court shall receive a salary of twelve hundred (\$1200) dollars per year, and the clerk of said court, a salary of six hundred (\$600) 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 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 examinations 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. 2. That section twenty-three (23) of the said act above mentioned and described, be, and the same is hereby amended so, as to read as follows:

Section 23. There shall be one (1) special judge of said municipal court, whose manner of election, term of office, power 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 press of business in said court or at the request of the municipal judge, or in case of the unavoidable and necessary 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 mu-

nicipal judge, the said special judge and the municipal judge shall each have and exercise the powers of said court. If, on the return of the process, or at any time before trial commences, in any action or proceeding, civil or criminal, either party shall make it appear by affidavit, that the judge is a material witness in the case, or shall make it appear by affidavit, that from prejudice or other cause, that he has good cause to believe that the judge will not decide impartially in the matter, and shall before making of the transfer as hereinafter provided, deposit with the clerk the sum of four (4) dollars, as payment of one (1) day's salary of said special judge; the said municipal 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 said 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 at the rate of four (4) dollars per day, the same to be paid by the city of Stillwater and deducted from the salary of the municipal judge; except when the same shall be for services performed by the said special judge when the said municipal judge is necessarily and unavoidably absent or sick, or when the said special judge is called in to assist the said municipal judge during an unusual press of business, in which case the said special judge shall be paid by the city and the same shall not be deducted from the salary of the municipal judge. This section shall not incapacitate any such special judge from acting as an attorney in any case or proceeding in said court, but when such judge is acting as judge of said court he shall take no action in said case save to adjourn the same.

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

Approved Feb. 28, 1878.

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## CHAPTER 69.

AN ACT TO AMEND CHAPTER NUMBER THIRTY-SIX (36), OF THE SESSION LAWS OF ONE THOUSAND EIGHT HUNDRED AND FIFTY-FOUR (1854), BEING AN ACT TO INCORPORATE THE MINNESOTA CENTRAL UNIVERSITY, PASSED BY THE LEGISLATIVE ASSEMBLY OF THE TERRITORY OF MINNESOTA, APPROVED MARCH FOURTH, ONE THOUSAND EIGHT HUNDRED AND FIFTY-FOUR (1854.)

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

SECTION 1. Section one (1) of the act to incorporate the Minnesota Central University passed by the legislative assembly of the