

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

SEC. 4. All acts heretofore in force relative to the appointment of a phonographic reporter for the district court of Hennepin county are hereby repealed.

Approved February 24, 1885.

CHAPTER 114.

AN ACT AMENDING SECTIONS TWO (2), THREE (3), FOUR (4) AND FIVE (5) OF CHAPTER TWO (2), AND REPEALING SECTIONS FOURTEEN (14) FIFTEEN (15) AND SIXTEEN (16) OF CHAPTER FOUR (4) OF AN ACT ENTITLED "AN ACT TO DEFINE THE BOUNDARIES OF AND ESTABLISH A MUNICIPAL GOVERNMENT FOR THE VILLAGE OF DULUTH," APPROVED MARCH EIGHTH (8TH), ONE THOUSAND EIGHT HUNDRED AND EIGHTY-ONE (1881), AND PROVIDING FOR THE ESTABLISHMENT OF A MUNICIPAL COURT IN THE VILLAGE OF DULUTH, ST. LOUIS COUNTY, STATE OF MINNESOTA.

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

SECTION 1. That sections two (2), three (3), four (4) and five (5) of chapter two (2) of an act entitled "An act to define the boundaries of and establish a municipal government for the village of Duluth, so far as said sections refer to the election of a justice of the peace, who shall be styled 'the village justice,' and so far as they refer to the election of other justices in said village be, and the same are, repealed; also all of sections fourteen (14), fifteen (15) and sixteen (16) of chapter four (4) of said act," approved March eighth (8th), one thousand eight hundred and eighty-one (1881), and instead thereof there is hereby enacted the following: There shall be established in the village of Duluth, in the county of St. Louis and state of Minnesota, a municipal court for the transaction of all such business as may lawfully come before it. Said court shall be a court of record, and shall have a clerk and a seal, and shall have jurisdiction to hear, try and determine civil actions at law where the amount in controversy does not exceed three hundred (300) dollars, excepting causes involving title to real estate. It shall also have exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases arising or triable within the village of Duluth heretofore cognizable before the village justice. It shall not have jurisdiction of

actions for divorce nor of any action where the relief asked for in the complaint is purely equitable in its nature.

SEC. 2. Election of judge—vacancy. The qualified electors of the village of Duluth shall, at the annual election, to be held on the first (1st) Tuesday in April, in the year one thousand eight hundred and eighty-six (1886), and on the day of the general village election every third (3d) year thereafter, elect a suitable person, with the qualifications hereinafter mentioned, to the office of judge of said municipal court, to be called "municipal judge," who shall hold his office for the term of three (3) years and until his successor shall be elected and qualified. In case of any vacancy in the office of municipal judge, the governor of the state of Minnesota shall appoint some qualified person to said office until the next annual village election, when a judge shall be elected for a full term of three (3) years. The governor shall also, upon this act going into effect, appoint some qualified person to said office, who shall hold the same until his successor is elected and qualified as herein provided.

SEC. 3. Qualification of judge—special judge. The judge of the municipal court shall be a resident of the village of Duluth, a person learned in the law and duly admitted to practice as an attorney in the courts of this state. Before entering upon the duties of his office he shall take and subscribe an oath as prescribed in the general statutes for judicial officers, which oath shall be filed in the office of the village recorder of said village. He shall have the general powers of the judges of courts of record and may administer oaths, take and certify acknowledgments in all cases, and, as a conservator of the peace, shall have all power and authority which is by law vested in justices of the peace or any other judicial officer. 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 the municipal judge, except as otherwise provided in this act; and his successor shall be elected, and the vacancy in his office filled in the same manner as that of municipal judge. 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 village, 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 shall each have and exercise the powers of said 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 village of Duluth and deducted from the salary of the municipal judge, except when the same shall be for services performed by 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 village, 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 special judge is acting as judge of said court he shall take no action in any case in which he is engaged as attorney, save to adjourn the same.

SEC. 4. Clerk. The village recorder shall be *ex officio* clerk of said court, and shall, before he enters upon the duties of his office as clerk of said court, take and subscribe an oath to support the constitution of the United States, and that of the state of Minnesota, and to faithfully and honestly discharge and perform the duties of his office as clerk of said court, and shall execute to the village of Duluth a penal bond in such sum and with such sureties as the village council shall direct and approve, conditioned that he will account to and pay over to the treasurer of said village, on the first (1st) Tuesday of every month, all fines, penalties, fees and other moneys belonging to, or to go to said village which may come into his hands during the month next preceding, 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 of or by reason of his office. Such oath and bond shall be filed with the village treasurer of said village.

SEC. 5. Powers of court—process—forms. 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 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 courts of record, except that it shall not have jurisdiction to issue writs of *habeas corpus*, *quo warranto*, *ne exeat*, *mandamus*, prohibition nor injunction. 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 of the municipal court." 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 forms, 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. Process may be directed for service to any police officer of the village of Duluth, or to the sheriff or any constable of St. Louis county.

SEC. 6. Place of holding court. The municipal court shall be held in the village of Duluth, at some suitable place to be provided therefor by the village council. Its judge shall be the chief magistrate of the village and shall see that the criminal laws of the state, and the ordinances, laws and regulations and by-laws of said village 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 village or otherwise, either with or without process, for violations of the criminal laws of the state, committed within the county of St. Louis, or of the ordinances, laws, regulations or by-laws of said village. 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. 7. Powers and duties of clerk. 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, un-

less 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 other 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, until the special judge is requested to act. 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 and 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 (1st) Tuesday of every month, deliver over to the village treasurer of the village of Duluth, moneys so received, with detailed accounts thereof, and take his receipt therefor. The clerk of said court shall, under the direction of the judge, and with the consent of the village council of said village, (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 officers thereof, at the expense of the village.

SEC. 8. Terms—summons—pleadings—practice. The municipal court shall hold regular terms for the trial of civil actions, on the first (1st) and third (3d) Monday 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, or other process to be issued by the clerk; and all proceedings under the provisions of chapter eighty-four (84) of general statutes, and all civil process shall be returnable at ten (10) o'clock in the forenoon of one of said terms, and the summons shall be served upon the defendant at least six (6) 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 shall 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 be 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 justice of the peace; *Provided, however,* That the judge of said court may by rule order that all pleadings in said court shall be presented in writing in the first instance, as in the district court of said state. Either party may demur to any pleading of his adversary, as in the district court. The court may for good cause, in its discretion, and

on such terms as it may deem equitable, open any default within thirty (30) days after the party against whom it is entered shall have notice or knowledge of the same, and may allow any amendment of any pleading, at any time. 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 (84) of the 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 sufficient cause shown, and on such terms as shall be just. Said court shall 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. 9. Attachment. 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 an attachment in justice courts, and also cause to be filed a bond with sufficient sureties, to be approved by the judge, and similar to the bond required on like application in justices' courts, except that the limit of liability thereon shall be mentioned therein as not exceeding three hundred (300) dollars. 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 justices' 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. 10. Replevin. When the object of an action is to recover the possession of personal property, the plaintiff, his agent or attorney, may make and file a complaint in writing, together with an affidavit, similar to the affidavit required in justice court in like action. The plaintiff, or some person in his behalf, shall execute a bond, with surety, to be approved by the judge, conditioned similar to bonds in such actions in justices' courts, and file such bond, and an action may be maintained on such bond as upon similar bonds filed in like actions in justice court, not exceeding in amount the sum of three hundred (300) dollars. The writ, and all proceedings thereunder, shall be executed (except as to times and forms of pleading, and trial) in same manner as in justice court. But the officer executing the writ shall retain the property taken under it in his own custody for three (3) 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 in like cases in the district court, and file such bond, the clerk shall thereupon issue an order to the officer to redeliver such property to the defendant.

SEC. 11. Calendar. 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. 12. Jury trial—drawing jurors. Trial by jury in the municipal court shall in all respects be conducted as in the district court of said state; and all laws of a general nature applicable to jury trials in said district court shall apply to said municipal court. Jurors in said municipal court shall be provided and drawn in the following manner: The mayor or acting mayor of said village, the village recorder and the judge of said court, shall, on the first (1st) Monday of January and June of each year, at the office of the village recorder, meet, and from the legal voters of said village select and designate seventy-two (72) legal voters of said village as the jurors of said municipal court, to serve therein when required and drawn during the succeeding six (6) months, and until their successors are elected and certified; and shall thereupon certify said names so elected to the clerk of said municipal court, who shall thereupon write said names upon separate ballots and place the same in a wheel or box, and whenever a jury is required in said court said clerk shall draw twenty-four (24) ballots, the persons named upon which shall be summoned to attend the trial of the cause wherein they were drawn, and the first (1st) twelve (12) so drawn shall constitute the jury unless challenged and excused, in which case the clerk shall draw in like manner the names of other jurors until a panel of twelve (12) shall be selected; and in case a jury of twelve (12) cannot be selected from said twenty-four (24) persons, then the clerk shall draw the names of other jurors in said box until a sufficient number of jurors can be obtained. After a jury has been obtained the clerk shall place the names of all the jurors in said box and cause the same to be intermingled with those not drawn, but no juror shall be required to serve as such in said court oftener than once each month. Said municipal court shall have the same power to compel the attendance of jurors and witnesses that is by law given to the district court of said state. 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. Like preemptory challenges may be made by either party as in the district court. 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 charge and refusal to charge, may be taken as upon trials in the district court. When 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 of this state; and all the laws of a general nature shall apply to said municipal court, so far as the same can be made applicable and not inconsistent with this act. Jurors in criminal cases shall be entitled to like fees as in civil cases, which said fees shall be taxed as a part of the costs in the case.

SEC. 13. Referees—exceptions—new trial—costs—appeals. Title eighteen (18) of chapter sixty-six (66) of the general statutes relative to trial by referees, title nineteen (19) of the same chapter relative to exceptions, and title twenty (20) of the same chapter relative to new trials, shall apply to said municipal court. Disbursements shall be allowed the prevailing party in said municipal court, and costs to be taxed forthwith without notice; such costs shall be as follows: For the plaintiff, upon a judgment in his favor, five (5) dollars; for the

plaintiff, upon a judgment in his favor, upon a trial upon the merits, where the amount thereof or the value of the personal property recovered, exclusive of disbursements, exceeds fifty (50) dollars, an additional five (5) dollars; for the defendant, when judgment is rendered in his favor, on the merits, after trial of an issue of fact, five (5) dollars; and if the amount of money, or value of property claimed in the complaint, exceed fifty (50) dollars, an additional five (5) 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. 14. Judgments—transcripts—executions. 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 (30) days. Judgments may be stayed in this court the same as in justices' court. Every person in whose favor a judgment is rendered, in said municipal court, for an amount exceeding ten (10) dollars, besides costs, may, upon paying the fee therefor and all unpaid fees payable to the clerk in such actions, 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 St. Louis county, who shall file and docket the same, as in case of transcripts from the docket of justices of the peace; and every such judgment shall become a lien upon real estate of the debtor from the filing of such transcript to the same extent as a judgment of the district court, and, so far as relates to the enforcement of the same, be exclusively under the district court, and carried into execution by its process as if rendered in said court. The clerk of the 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 that such transcript has been given, and not thereafter issue any writ of execution on such judgment, but at any time may issue a new transcript of such judgment in case of loss of the transcript first given.*

SEC. 15. Garnishment. Proceedings against garnishees may be instituted in the same manner as in justice courts; but the summons may be served either by any officer or other person not interested, 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 (6) 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 by 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. 16. Proceedings in criminal cases. 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 village attorney, 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 village; 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 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 village justice, with such alterations as may seem convenient to adapt the same to the style of the 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 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 order 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 plead. 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. 17. Salary of judge, clerk and prosecutor, etc. The judge of said court shall receive a salary of two thousand (2,000) dollars per year, the clerk of said court a salary of five hundred (500) dollars per year, exclusive of his salary as village recorder, and the village attorney shall receive a salary of five hundred (500) dollars per year exclusive of the salary now paid said officer by the council of said village; the salary of each of said officers shall be payable from the village treasury of the village of Duluth in monthly installments, and neither the said judge, clerk or village attorney 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 trials before them or for similar services. Police officers of said village 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' courts, 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 accounted for to the village treasury of said village as hereinbefore provided.

SEC. 18. Police officers in attendance at court. It shall be the duty of the mayor and chief of police of said village 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 village shall hereafter receive for their services no other compensation than the salary paid them by said village; and if any fee, gratuity or reward 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 village; and the failure so to do shall be a misdemeanor punishable by fine not

exceeding one hundred (100) dollars, or by imprisonment not exceeding thirty (30) days.

SEC. 19. Costs in criminal cases. 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, to-wit: In cases where no warrant is issued, and the defendant on being arraigned shall plead guilty, two (2) dollars. In cases where warrant shall be issued, and the defendant upon arraignment pleads not guilty, two and one-half (2½) dollars. In cases where the defendant pleads not guilty and shall be tried before the court, five (5) dollars. In cases where the defendant shall plead not guilty and be tried before a jury, ten (10) 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; and in case of examinations in cases where said court shall not have exclusive jurisdiction, the clerk shall tax as costs the same fees as are now allowed to justices of the peace for similar services.

SEC. 20. Deposit by plaintiff. The plaintiff upon making his complaint in all civil actions shall pay to the clerk of said court one (1) dollar for each one hundred (100) dollars or fraction thereof claimed in the complaint.

SEC. 21. Process—where to run—service. 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, in the manner provided.

SEC. 22. Prosecuting officer. The village attorney of the village of Duluth shall have charge of the prosecutions of all criminal cases before said municipal court not indictable, and the county attorney of St. Louis county shall act in the prosecution of offenders charged with indictable offenses, when so required by law to prosecute before justices of the peace.

SEC. 23. Justices of the peace superseded. Upon the election and qualification of the municipal judge, all causes and proceedings then pending before justices of the peace and the village justice within said village shall forthwith by said justices and village justice 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 all justices of the peace and the village justice of said village shall at once be transferred and turned over to the said municipal court, which shall have full jurisdiction to finish and complete all proceedings before any justice of the peace or the village justice, and to enforce, by execution or otherwise, all judgments theretofore rendered by justices of the peace or the village justice within the village of Duluth; and such judgments shall stand on the same footing as judgments of said municipal court. And after the election and qualification of said municipal judge no justice of the peace within the village of Duluth shall issue any process nor take any cognizance of any action or proceeding, civil or criminal; but the jurisdiction of said municipal court shall within said village be exclusive in all causes heretofore cognizable before justices of the peace and the village justice, except that this clause shall not affect the juris-

diction of any court of record having general jurisdiction, such as is conferred upon the district court.

SEC. 24. Title to real estate. In case it shall appear from the pleadings, or upon the trial of any cause, that the title to real estate is involved in the action, the municipal court shall not proceed further therein, but shall transfer the action to the district court of St. Louis county, and the cause shall be proceeded with in the court to which it has been transferred, as if originally commenced therein.

SEC. 25. Salary of officers — how certified. It shall be the duty of the clerk of said court, at the end of each month, to make out and certify an order for each of the officers of said court for the respective amount due each for the preceding month, and when so drawn and signed by the clerk of said court the same shall be countersigned by the mayor or acting mayor of said village, when the same may be presented to the village treasurer, who shall pay the same out of any funds belonging to said village without any other act necessary to be done in the premises, and the village treasurer may hold said order as his voucher for and to be used in settlement with the village council.

SEC. 26. All acts and parts of acts contained in the village charter of the village of Duluth, inconsistent with this act, are hereby repealed, and wherever the words "village justice" occur in the charter of said village the same shall be construed to refer to the municipal judge.

SEC. 27. This act shall take effect and be in force from and after the first (1st) day of June, A. D. one thousand eight hundred and eighty-five (1885).

Approved March 9, 1885.

CHAPTER 115.

AN ACT TO ESTABLISH A MUNICIPAL COURT IN THE CITY OF WINONA.

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

SECTION 1. That there is hereby established in the city of Winona, in the county of Winona, a municipal court for the transaction of all business which may lawfully come before it.

SEC. 2. Said court shall be a court of record and shall have a clerk and seal, and shall have jurisdiction to hear, try and determine all actions at law where the amount in controversy does not exceed the sum of three hundred (300) dollars. Also to hear, try and determine all criminal cases and conduct all criminal examinations heretofore cognizable before a justice of the peace of the city of Winona. Said court shall not have jurisdiction of actions of divorce, nor of any action when the relief asked for in the complaint is purely equitable,