

CHAPTER 117.

AN ACT TO BE ENTITLED AN ACT TO ESTABLISH A MUNICIPAL COURT IN THE CITY OF WASECA.

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

SECTION 1. There is hereby established in the city of Waseca, Minnesota, a court of record, to be called the "municipal court," for the transaction of all business which may lawfully come before it.

SEC. 2. Said court shall have a seal and may have a clerk, and shall have all the jurisdiction and powers now conferred by chapter forty-seven (47) of special laws of Minnesota for one thousand eight hundred and eighty-one (1881) upon either of the justices of said city, and in addition thereto shall have cognizance of and jurisdiction to hear, try and determine all civil actions or proceedings where the amount in controversy does not exceed three hundred dollars (\$300), or where, in case the action is for the recovery of personal property, the value of such property does not exceed the sum of three hundred dollars (\$300); *Provided, however,* That such cognizance and jurisdiction shall only extend to actions of the same nature and character, save as to amount, now cognizable before said justices, or hereafter cognizable before a justice of the peace; *And provided further,* That when a counter claim of more than three hundred dollars (\$300) in excess of 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 such facts to be made of record, and cease all further proceedings in the same, and certify and return the same to the district court of said county, a transcript of all entries relating to such case, together with all process and other papers relating to such suit in the same manner and within the same time, as upon an appeal from a justice's court; and thereupon the said district court shall proceed in the cause as if the said suit had been originally commenced in the said district court, and the costs shall abide the event of the suit, except that the plaintiff shall advance the costs of the said municipal court.

SEC. 3. The judge of said court shall be called the municipal judge and shall be elected by the qualified electors of said city at the general city election of said city holden in the year one thousand eight hundred and eighty-five (1885), and each second (2d) year thereafter, save as the time of such election may be varied by the provisions herein contained as to filling vacancies, and that the first (1st) said judge shall be so elected at the first (1st) such general election held in one thousand eight hundred and eighty-five (1885); and 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 city election, when a judge shall be elected for a full term of two years.

SEC. 4. No person shall be elected to, or hold, the office of judge of said court except a person then a resident of said city of Waseca, and a person duly admitted to practice as an attorney in the district courts of the 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 recorder.

SEC. 5. 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, and, as conservators of the peace, shall have all the authority and powers which by law is vested in justices of the peace of said state or city, or any other judicial officer, including sole and exclusive jurisdiction of all violations of the ordinances of the city of Waseca and prosecution thereunder.

SEC. 6. Said municipal court may have a clerk who may be appointed or removed at the pleasure of said judge by an order in the minutes of said court. Such clerk, before entering upon the duties of his office, shall take an oath to support the constitution of the United States and the state of Minnesota and to faithfully discharge and perform all the duties of his office, and shall execute to said city a penal bond in such sum and with such sureties as the common council of said city shall direct and approve, conditioned that he will at all times pay over to all persons on demand, all moneys to which they may be entitled which may have come into his hands by virtue of his office; such oath and bond shall be filed in the office of the city recorder of said city. And in case of sickness or pressure of business such clerk may appoint, subject to the approval of said judge, a deputy clerk with the like powers of the clerk, but acting under the authority of said clerk, who shall be liable on his said bond for all the official acts of such deputy, and for all moneys coming into his hands. The salary or compensation of said clerk shall be such as the judge of said court shall determine and shall be paid by said judge.

SEC. 7. Said 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 at common law, subject to the 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* or injunction. It shall have all the powers and jurisdiction conferred on justices of the peace by chapter eighty-four (84) of general statutes, one thousand eight hundred and seventy-eight (1878). All process shall be attested 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), or by the judge. 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 prescribed forms, the forms of process in use either in the courts of record in the 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 the marshal or constable of the city of Waseca or to the sheriff or any constable of Waseca county, and may be served in the same manner as a summons issued by a justice of the peace, except as this is modified by section fifteen (15) of this act, and service by publication may [be] ordered and made as in justices' courts.

SEC. 8. Said municipal court shall be held in said city of Waseca, in some suitable place to be provided therefor by the judge of said court or by the common council of said city. Its judge shall be chief magistrate of said city, and shall see that the criminal laws of the state and the ordinances, laws and regulations and by-laws of said city are observed and executed, and shall for that purpose open his court every morning (Sundays, New Year's day, Christmas day, July Fourth (4th), February twenty-second (22d), Thanksgiving day and other 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 violations of the criminal laws of this state committed within the county of Waseca, or of the ordinances, laws, regulations or by-laws of said city; *Provided*, That in all cases for the violation of any criminal law of this state the county of Waseca shall be held for and shall pay to the judge of said court all fees and costs which are not collected from the defendant, and that in all cases for the violation of any ordinance, law, regulation or by-law of said city, said city shall be held for and shall pay to the judge of said court all fees and costs which are not collected from the defendant. A record of all proceedings in said court shall be kept, and all commitments and executions, as well as all other process, shall be issued by the judge or clerk of said court, and all orders, judgments and sentences shall be entered under the supervision of the judge.

SEC. 9. The clerk of the municipal court (if there be such clerk) shall have the care and custody of all the books, papers and records of said court. He shall be present, by himself or his deputy, at all trials and all times of said court, unless absent from sickness or by consent of the judge, and when necessary the judge may appoint, from day to day, some person to act temporarily as clerk. He may swear all witnesses or jurors and administer all oaths and affidavits; and when [so] appointed by the court, he shall act as referee in any civil action pending in said court, without compensation. He shall keep minutes of all proceedings and may enter 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; *Provided*, That the judge of said court shall have full power to do any act which said clerk is authorized to do.

SEC. 10. Said municipal court shall hold regular terms for the transaction of civil business and trial of civil actions on each and every Tuesday, which terms shall continue from day to day with such adjournments as the court shall deem proper until the business of such term shall be finished; and all civil actions shall be commenced by summons issued from said court by its judge or clerk; and all proceedings under the provisions of chapter eighty-four (84) of general statutes and all civil process shall be made returnable at ten (10)

o'clock in the forenoon of the first (1st) day of one of said terms. The form of summons may be as follows, save in actions under chapter eighty-four (84) of the general statutes:

STATE OF MINNESOTA, } CITY OF WASECA,
COUNTY OF WASECA. } ss. MUNICIPAL COURT.

The state of Minnesota to the marshal or constable of said city of Waseca, or to the sheriff or any constable of said county:

You are hereby commanded to summon.....
.....if.....be found within said county of Waseca, to be
and appear before the municipal court of the city of Waseca, at a term
thereof to be begun and holden on Tuesday, the.....
day of.....A. D.18.....at 10 o'clock in the forenoon,
and then and there 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....

.....of the Municipal Court.

Or the summons may be in any other form which said court may by rule prescribe, and shall be served upon the defendant at least six (6) days before the time at which the same is made returnable. No summons shall issue in any action until the complaint in such action shall be filed in said court. All complaints and other pleadings of every kind shall be in writing and subscribed by the attorney of the party, or the party, and shall be verified by the party, or, if the party is absent from the place of trial, by his attorney, as in district courts of this state. If the defendant fails to appear by eleven (11) o'clock in the forenoon of the day on which said summons is made returnable, he shall be declared in default, and the plaintiff shall thereupon have such judgment as he shall show himself entitled to. If the defendant shall so appear, he shall immediately, or within such time as the court shall direct, file his answer or demurrer to the complaint, and the plaintiff may reply thereto forthwith or within such time as the court may designate. Either party may demur to any pleading of his adversary for the same reasons and in the same form as in district court, but all pleadings shall be construed liberally, and merely technical objections shall be disregarded. And the court may, for good cause shown, in its discretion, and on such terms as it may deem equitable, open any default within ten (10) days after such default. And the opposing party shall have two (2) days' notice, in writing, of any motion to open any default, and may appear to oppose the same. The court shall disregard variances arising 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, excepting cases under the provisions of chapter eighty-four (84), general statutes, 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 may be just. Said court shall have authority to provide by rule that the plaintiff in any civil action shall, before any summons shall issue in the action, or at any other time, give security for costs by bond, recognizance or deposit of money, in such sum as the court may designate. And in all civil actions tried in this court without a jury, the judge shall, when requested, make and file separate findings of facts and conclusions of law; and on appeals from a judgment in actions tried without a jury on questions of law only. Such judgment may be revised if the findings of fact do not justify the conclusions of law. Said municipal judge may practice as an attorney in any of the justice, probate or district courts and in the supreme court of this state, except in cases which have come before him in said municipal court or in matters or proceedings relating thereto. And said municipal judge, in case of sickness, or absence, or other cause is unable to hold his court, may procure the probate judge and the court commissioner of the county of Waseca to act for him; and such probate judge or court commissioner so called in shall have all the powers of every kind possessed by said municipal judge during such time as he may, by written order of such municipal judge, be requested so to act.

SEC. 11. All of chapter sixty-six (66) of general statutes of one thousand eight hundred and seventy-eight (1878) of this state, from section ninety (90) inclusive to section one hundred and thirty-one (131) inclusive, with the amendments thereof; and all other sections of said chapter, and all laws whatsoever of a general nature, shall apply to said municipal court, so far as the same can be made applicable, and so far as they are not inconsistent with the provisions of this act; *Provided*, That in cases not herein otherwise provided the practice and method of proceeding shall be as in justices' courts.

SEC. 12. All necessary disbursements paid or incurred shall be allowed the prevailing party as in district courts, and costs shall be allowed the prevailing party as follows:

First—To the plaintiff upon a judgment in his favor of one hundred (100) dollars or more, or in actions of replevin when the value of the property replevied is one hundred (100) dollars or more, ten (10) dollars if issue has been joined, and five (5) dollars if no issue has been joined.

Second—To the plaintiff, upon a judgment of less than one hundred (100) dollars, and for fifty (50) dollars or more, or when in an action of replevin the value of the property replevied is less than one hundred (100) dollars, and is fifty (50) dollars or more, five (5) dollars if an issue has been joined, and three (3) dollars if issue has not been joined.

Third—To the plaintiff upon any judgment not herein provided for three (3) dollars.

Fourth—To the defendant, when the amount claimed in the complaint or the value of the property sought to be replevied is one hundred (100) dollars or over, five (5) dollars if the judgment be upon discontinuance or dismissal, and ten (10) dollars if judgment is rendered in his favor on the merits.

Fifth—To the defendant, when the amount claimed in the complaint or the value of the property sought to be replevied is less than one hundred (100) dollars, and is fifty dollars or over, three (3) dollars if the judgment be upon discontinuance or dismissal, and five (5) dollars if judgment is rendered in his favor on the merits.

Sixth—To the defendant, upon any judgment in his favor not herein before provided for, three (3) dollars.

Provided, That in every case where a demurrer has been interposed by either party and overruled, and the party demurring shall not afterwards answer or reply, as the case may be, it shall be considered the same as an issue joined or a decision on the merits; *And provided further*, That costs may be allowed the prevailing party on a contested motion or demurrer, in the discretion of the judge, not exceeding the sums of five (5) dollars when the amount or value of the property in dispute exceeds one hundred (100) dollars, and three (3) dollars when the amount or value of the property in dispute is one hundred (100) dollars or less; *And provided further*, That no party shall recover any costs as herein provided, unless he has appeared of record in such action by an attorney admitted to practice in district courts of this state.

SEC. 13. Costs and disbursements may be taxed by the clerk or the judge upon two (2) days' notice by either party, and may be inserted in the entry of judgment. The disbursements shall be stated in detail as in district court, and verified by affidavit filed with the court, and all objections to any item shall be in writing, and shall specify the grounds thereof. When such costs and disbursements are taxed by the clerk either party may appeal to the judge in the same manner as in district court; and sections four (4), six (6), seven (7), eight (8), nine (9), ten (10), eleven (11), twelve (12), thirteen (13), and fifteen (15), of chapter sixty-seven (67), of general statutes of one thousand eight hundred and seventy-eight (1878), shall apply to this court so far as not inconsistent with this act.

SEC. 14. Writs of attachment may be issued on behalf of a plaintiff in any action in said court in the same manner and in like cases as in the district courts of this state; and title nine (9) of chapter sixty-six (66) of general statutes of one thousand eight hundred and seventy-eight (1878), shall apply to this court and govern all proceedings herein as to attachments, except that the causes for an attachment and the form and affidavit therefor shall be the same as in justices' courts and except as the provisions thereof may be inconsistent with the provisions of this act; *Provided, nevertheless*, That no real estate shall be attached on a writ issued from said municipal court, unless the amount of the plaintiff's claim, as appears by the affidavit, shall be fifty (50) dollars or more, and that no writ of attachment shall issue unless the amount of plaintiff's demand exceeds the sum of five (5) dollars; *And provided further*, That the bond shall be approved and the writ issue by the judge of said court, and that no order therefor from any court commissioner shall be necessary; *Provided, however*, That in all cases where the summons has been served on the defendant, and the court has gained jurisdiction of the defendant, and judgment may be entered without regard to whether the writ of attachment has been levied on any property or not.

SEC. 15. The form of such writ of attachment may be as follows,

except that the words "and real estate" shall be omitted unless the amount of plaintiff's claim as shown by the affidavit shall be fifty (50) dollars or more:

STATE OF MINNESOTA, }
COUNTY OF WASECA. } ss.

CITY OF WASECA,
MUNICIPAL COURT.

..... Plaintiff,
vs.
..... Defendant.

STATE OF MINNESOTA, }
COUNTY OF WASECA. } ss.

The state of Minnesota to the marshal or constable of said city of Waseca, or to the sheriff or any constable of said county:

Whereas, in the above entitled action, an application has been duly made to this court for a writ of attachment against the property of defendant therein, setting forth by affidavit that a cause of action exists against such defendant, and specifying the amount of claim and the ground thereof; and that the affiant has good reason to believe (here state the ground for the attachment).

and whereas, the bond required by law has been duly executed, approved and filed in this court,

Therefore, you are hereby commanded and required to attach and safely keep all the personal property and real estate of said..... within your county, and not exempt from execution; or as much thereof as may be sufficient to satisfy the said plaintiff's demand, which amounts to the sum of..... as appears from the complaint and affidavit in said action, together with costs and expenses, and that you proceed herein in the manner required of you by law.

Witness the honorable..... judge of the municipal court of the city of Waseca, Minn., this..... day of..... A. D. 1885.

And no such writ containing the words "and real estate" shall run to or be served by any officer except the sheriff, nor shall it contain the words "marshal or constable of said city of Waseca, [or to] into the" nor the words "or any constable."

SEC. 16. When the object of an action is to recover the possession of personal property the plaintiff may at the time of the filing the complaint and issuing of the summons and notification, file an affidavit similar to the affidavit required in the justice court and in a like action, and also a bond executed with sureties to be approved by the judge and conditioned similar and in same amounts as bonds in like actions in justice courts; and a writ shall thereupon issue which shall be returnable on the return day of the summons in such action, and it may be signed by the clerk or judge and under seal of the court and in form as follows:

STATE OF MINNESOTA, }
 COUNTY OF WASECA. } ss. CITY OF WASECA,
 MUNICIPAL COURT.

The state of Minnesota to the marshal or constable of the city of Waseca, 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 summon the said
 if to be found within said county, to be and appear before the municipal court of the city of Waseca, at a term thereof to be holden on the day of A. D. 18....., at ten (10) o'clock in the forenoon, 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. 188.

.....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 pleadings and trials and except as hereinafter provided) as upon similar proceedings in a justice court; *Provided*, That all proceedings after the seizure of such property by the officer, respecting the possession of such property, shall be governed by sections one hundred and thirty-five (135), one hundred and thirty-six (136), one hundred and thirty-seven (137), one hundred and thirty-eight (138), one hundred and thirty-nine (139), one hundred and forty (140), and one hundred and forty-one (141) of chapter sixty-six (66) of the general statutes of one thousand eight hundred and seventy-eight (1878).

SEC. 17. Prior to each term of said municipal court for the trial of

civil actions, a calendar may be made up of the causes which will come up for trial or for any disposition before the court at such term, and the judge may adopt the order of arrangement and may at each term direct the order of the trial and other disposition of the cases, as in district courts.

SEC. 18. Trial by jury may be had in the municipal court as in justices' courts, and the jury may be selected in same manner as in justices' court; and venire issue therefor and talesmen be selected in the usual manner. Three 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 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 are not inconsistent with the provisions of this act. Jurors in said municipal court shall be entitled to like fees as jurors in justices' courts, to be collected and paid in same manner, but to be advanced by the party demanding a jury before such jury is drawn and at the time of demanding the same; and jurors in criminal cases shall be entitled to like fees as jurors in civil actions, which said fees shall be taxed as a part of the costs in the case.

SEC. 19. Title eighteen (18) of chapter sixty-six (66) of general statutes, relative to trials by referees, title nineteen (19) of the same chapter, relative to exceptions, title twenty (20) of the same chapter, relative to new trials, section four (4) of chapter seven (7) of the general statutes, and chapter eighty-four (84) of said statutes shall all apply to said municipal court and its judge; *Provided*, That all motions for a new trial shall be made within ten (10) days, unless after the decision in the trial sought to be opened. And in all cases the judge in cases tried without a jury may take five (5) days in which to decide any action, motion or demurrer.

SEC. 20. Appeals shall lie from said municipal court to the district court of Waseca county in all actions, both civil and criminal, and in actions under chapter eighty-four (84) of the general statutes of this state, as follows: In criminal actions and in actions under chapter eighty-four (84) of general statutes appeals may be taken in all cases in the same manner and upon like proceedings and with like effect as they may now be taken from justices' courts of this state. In civil actions not under chapter eighty-four (84) of general statutes appeals may be taken in all cases and in the same manner and within the same time and with the same effect as can be now taken from justices' courts, and title eleven (11) of chapter sixty-five (65) of general statutes, relating to appeals, shall apply to appeals from this court; *Excepting and providing*, That an appeal may be taken from any judgment, or from an order granting or refusing a new trial, or from an order sustaining or overruling a demurrer, and in no other cases; *And provided further*, That in case of an appeal from a judgment on questions of law only, or from an order granting or refusing a new trial, or from an order sustaining or overruling a demurrer, such district court shall certify

under its seal its final decision on such appeal to said municipal court; and that in case such appeal be from an order, or in case such district court has failed to sustain a judgment of the municipal court appealed from on questions of law only, said district court shall remand such case to said municipal court, in the same manner and with same effect as cases are remanded from the supreme court to the district court; *And provided further*, That no appeal from any order of said municipal court shall be allowed unless the same is taken within ten (10) days from the filing of such order, unless further time be granted, on application made within such space of ten (10) days, in which to prepare a bill of exceptions or case, and in which to perfect such appeal.

SEC. 21. No judgment rendered in said municipal court shall be a lien upon real estate until a transcript thereof shall be filed in the district court, as hereinafter provided; but writs of execution on all judgments in civil actions may issue upon entry of judgment after time for appeal has elapsed 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' courts. Every person in whose favor a judgment is rendered in said municipal court for an amount exceeding ten (10) dollars, besides costs, may, upon the paying the fee therefor and all unpaid fees payable to the judge of said court in such action, demand, and shall receive from such court, 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 Waseca, who shall file and docket the same as in case of transcripts of judgment from justices' courts; 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; *Provided*, That the transcript of a judgment in any action in municipal court in which a writ of attachment has been issued and levied on real estate shall become a lien on being filed in such district court in the county where such land is, on all real estate so attached, and such lien shall date back to the date of such attachment. 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 the case of the loss of the transcript first given.

SEC. 22. Proceedings against garnishees may be instituted in the same manner as in justices' courts, but the garnishee 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 (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 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. 23. 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 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, except that the judge may require the city attorney of said city to draw the same when violations of any ordinance, regulation or by-law of said city, or the county attorney of said county to draw the same [when] for any violation of any law of this state, and may so notify such city attorney or county attorney. And the clerk of said court, as well as said 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. Any complaints, warrants, and other process in criminal cases may follow substantially the same forms heretofore in use by the justices of the peace, with such alterations as may seem convenient to adopt 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 clerk without process, the judge or 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 the 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; and in case of failure to plead, the judge or clerk shall enter a plea of not guilty, and a formal acquittal or conviction for the same offense may be proved under that plea, the same as if formally pleaded and [in] the examination of offenders charged within dictable offenses; the judge or clerk shall keep such minutes of the examination as the court may direct, and shall make the proper return to the proper court before which the party charged with the offense may be bound to appear. The city attorney of Waseca shall have charge of all criminal cases before said municipal court for offenses against any ordinance, regulation or by-law of said city, and the county attorney of Waseca county shall act in the prosecution of all offenders charged with the violation of any law of this state.

SEC. 24. In all proceedings had in said municipal court like fees or costs shall be charged and collected by the judge, or the clerk for the judge, which are allowed by law to justices of the peace in proceedings and upon trials before them, or for similar services, except as hereinafter provided; *Provided*, That the fees shall be one (1) dollar for issuing each and every summons, which fees shall [be paid] in advance by the plaintiff, prior to the issuing of such summons; and that the fees for issuing each writ of attachment which can be levied on real estate, there shall be a fee of fifty (50) cents in addition to the other fees allowed in justices' court; *And provided, also*, That for hearing and deciding every motion for a new trial, or for removing a default, there shall be a court fee to go to the judge, of one (1) dollar, and for hearing and deciding every demurrer, a fee of fifty (50) cents in addition to the usual fees in justices' courts; and that for allowing or settling any bill of exceptions or case, a fee of fifty (50) cents shall be allowed to the judge, and that for certifying any return to the district court on an appeal, ten (10) cents per folio, unless such return

and all necessary copies be made by the appealing party; *Provided further*, That in all criminal actions before said municipal court, and in all examinations held by or before said court to inquire into offenses of which said court shall not have final jurisdiction, the same fees shall be taxed as costs of said court as are now allowed to justices of the peace for similar services, and twenty-five (25) per cent additional thereto; *And provided*, That all such fees and costs mentioned in this section shall go to the judge of said court as his compensation, in lieu of a salary.

SEC. 25. The municipal court shall be furnished from time to time with all necessary records and judgment books and dockets, and also with a seal of court, by and at the expense of the city of Waseca.

SEC. 26. The said municipal court created by this act shall not exercise any of the powers or jurisdiction conferred on it by this act until the first (1st) Tuesday following the general election of said city in one thousand eight hundred and eighty-five (1885), and until such time the city justices of said city shall have all the powers and jurisdiction heretofore had and enjoyed by them; *Provided, however*, That on and after the first (1st) Tuesday after such general city election in one thousand eight hundred and eighty-five (1885), the power and jurisdiction of said justices shall cease, and all causes, actions and proceedings then pending before any of said city justices shall be considered as pending thenceforth in said municipal court, and such justices shall immediately transfer to said municipal court all papers and records concerning the same. And all dockets, records, files and papers in the custody of each of the city justices of said city shall, on such day, be transferred to and turned over to said municipal court, which shall have full jurisdiction to finish and complete all proceedings pending before any such justice, and to enforce, by execution or otherwise, all judgments theretofore rendered by any such justice, and such judgments shall have the same force and legal effect as other judgments of said municipal court; and thereafter no city justice within said city shall issue any process or take cognizance of any action or proceeding, civil or criminal, and that the time of office of such city justices as are now in office shall end on the first (1st) Tuesday after the general city election of said city in one thousand eight hundred and eighty-five (1885). And the said municipal court shall have the custody and possession of all dockets, records, files and papers of all city justices in said city, and of all village justices of the village of Waseca, and all judgments existing on such dockets shall be of the same legal effect as other judgments of said municipal court.

SEC. 27. All parts of chapter forty-seven (47) of the special laws of Minnesota for the year one thousand eight hundred and eighty-one (1881) inconsistent with the provisions of this act, so far only as they are so inconsistent, are hereby repealed.

SEC. 28. This act shall take effect and be in force from and after its passage.

Approved March 5, 1885.