

## CHAPTER 20.

(H. F. 964 )

AN ACT TO AMEND AN ACT ENTITLED "AN ACT PROVIDING FOR THE DESIGNATION, ACQUISITION, LAYING OUT AND IMPROVEMENT OF LANDS IN THE CITY OF MINNEAPOLIS FOR A SYSTEM OF PUBLIC PARKS AND PARKWAYS AND FOR THE CARE AND GOVERNMENT THEREOF." APPROVED FEBRUARY TWENTY-SEVENTH (27th), A. D., EIGHTEEN HUNDRED AND EIGATY-THREE (1883), AND THE SEVERAL ACTS AMENDATORY THEREOF.

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

SECTION 1. An act providing for the designation, acquisition, laying out and improvement of lands in the city of Minneapolis, for a system of public parks and parkways and for the care and government thereof. Approved February 27th, 1883, is hereby amended by striking out any provisions therein contained relative to the terms of office and times and manner of election of members of the board of park commissioners in conflict with any provisions of the charter of the city of Minneapolis in relation thereto; and in determining the terms of office, and the times and manner of election of members of the board of Park commission the provision of the charter of the city of Minneapolis in relation thereto, shall govern, so far as the same one in conflict with the above entitled act.

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

Approved March 4, 1887.

## CHAPTER 21.

(H. F. No. 571.)

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ESTABLISH A MUNICIPAL COURT IN THE CITY OF MINNEAPOLIS." APPROVED FEBRUARY THIRTEENTH (13TH), A. D., ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR (1874), AND SUBSEQUENT ACTS AMENDATORY THEREOF.

*Be it Enacted by the Legislature of the State of Minnesota.*

SECTION 1. The certain act entitled "An Act to Establish the Municipal Court in the City of Minneapolis," approved February thirteenth (13th), A. D., one thousand eight hundred and seventy-four (1874), as amended by subsequent acts, be and the same is hereby amended as follows, to wit:

SEC. 2. Section seven (7) of said act be and the same hereby is amended by striking out of said section the words: "he may swear all witnesses and jurors and administer all oaths and affirmations and take acknowledgements" and insert in the place thereof the words: "the clerk of said municipal court is hereby vested with all the powers and authority now possessed by notaries public, and clerks of the district court of this state in taking acknowledgements and administering oaths and affirmations and swearing witnesses." Also by striking out of said section the following words: "the deputy clerks appointed under the provisions of this act shall receive a salary of one thousand (1,000) dollars per year, payable from the city treasury of said city of Minneapolis in monthly installments," so that said section seven (7) as amended shall read as follows:

Section 7. 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 at all trials, unless absent from sickness, or with the consent of the judge, and in case of his absence the judge may appoint some person temporarily in his place.

The clerk of said municipal court is hereby vested with all the powers and authority now possessed by notaries public and clerks of the district courts of this state in taking acknowledgments and administering oaths and affirmations and swearing witnesses. 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. 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 or proper to the enforcing and carrying out of the jurisdiction of the municipal court. He shall receive all fines, penalties and fees of every kind accruing to the court, or any officer thereof, including police officers, and including also witness fees in criminal cases, and keep full, accurate and detailed accounts of the same, and shall on the first (1st) Monday of every month, deliver over to the city treasurer of the city of Minneapolis all moneys so received or proper vouchers therefor, as herein provided, with detailed accounts thereof, and take his receipt therefor; but all penalties collected for the forfeiture of any bond, recognizance or bail given in said court shall be paid to the Minneapolis Bar association to be applied to the support of the law library of said association; and the receipt of the treasurer of said association to said clerk shall be a sufficient voucher for such sums so paid; *Provided*, that the said Minneapolis Bar association shall by proper action grant the free use of its said library and the books therein to any and all judges of courts of record of the state of Minnesota.

The clerk of said municipal court shall also make detailed monthly reports of all persons who are committed to the county jail of the county of Hennepin under sentence of said municipal court, and of all who are committed in default of bail to await the action of the grand jury, which reports as to all persons convicted of an offense under the state laws, and as to all committed in default of bail, shall be made to the county auditor of Hennepin county, and as to all persons convicted of an offense under the ordinances of said city shall be made

to the city comptroller of said city, and shall in each case be made on the first (1st) day of each month or on the second (2d) if the first (1st) day comes on Sunday or on a legal holiday, and shall show the name of every person committed during the previous month and since the last report, the nature and cause of the commitment, the length of time for which committed, the offense for which committed, the date of commitment in each case, and whether committed by virtue of a prosecution under the state laws or under the ordinances of said city and shall also show the names of all persons discharged from said jail since the last report by order of said municipal court, the cause of said discharge and the date thereof. In all cases where the judge of said municipal court remits a fine or suspends a sentence after commitment to the county jail, and in all cases where a person committed to said jail secures his release by the payment of a fine in default of which he was committed, the person imprisoned shall not be released except upon the order of said municipal court and the presentation to the sheriff of said county or to the jailer a written transcript of said order, authenticated by the clerk of said court under its seal, which transcript in the case of the payment of a fine shall not be issued or given until the actual payment to the clerk of said municipal court of the amount of the fine so paid. The sheriff of said county shall be held strictly accountable as for a breach of official duty if in any of the cases above named a prisoner be released without the presentation of the written evidence above required. The clerk of said court may when authorized so to do by the city council of the city of Minneapolis, if in their discretion they deem the appointment necessary, with the sanction of the judge of said court, appoint one (1) or more deputy clerks of said municipal court, for whose acts the said clerk of said court shall be responsible, and said deputy or deputies shall be appointed under the hand of said clerk and seal of said court, with the sanction of said judge, endorsed on the back of such appointment, and before any deputy clerk of said court shall enter upon the duties of his office he shall take and subscribe the same oath prescribed and required to be taken by the clerk of said court and execute a bond to be approved by said clerk, which oath, together with the appointment of such deputy clerk and such bond shall be filed in the office of the city clerk of said city of Minneapolis, and the clerk of said court or the judge thereof may at any time remove any deputy appointed under the provisions of this act. The said clerk of the municipal court and any deputy clerk shall not act as attorney in any case in said court. The deputy clerks appointed under the provisions of this act may administer oaths, take acknowledgments and perform all the duties pertaining to the office of clerk of said municipal court.

SEC. 3. Section eight (8) of said act shall be and hereby is amended by inserting after the words "third Tuesday of every month" and before the words "which term shall continue" in said section the words "except during the months of July and August," also by inserting after the words "exclusive of the day of service" and before the words "the notice to be contained in the summons" in said section

the following words: "It shall not be necessary for a party to set forth in a pleading in any civil action in said court the items of an account therein alleged; but he shall deliver to the adverse party, within five (5) days after a demand therefor in writing, a copy of the account verified by his own oath or that of his agent or attorney if within the personal knowledge of said agent or attorney; to the effect that he believes it to be true; or he be precluded from giving evidence thereof. The court or judge thereof may order a further or more particular bill.

Also by inserting after the words "costs are allowed to the prevailing party in actions commenced in said municipal court as follows to the plaintiff upon a judgment in his favor" and before the words "upon a trial upon the merits" in said section the following words:

"When the action is brought to recover compensation for manual labor or services five (5) dollars; in all other cases to the plaintiff upon a judgment in his favor," so that said section, when amended, shall read as follows:

SEC. 8. The municipal court shall hold regular terms for the trial of civil actions, on the first [1st] and third [3d] Tuesday of every month, except during the months of July and August, 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.

Civil actions in said court shall be commenced by the service of a summons as hereinafter provided. The summons must be subscribed by the plaintiff or his attorney and directed to the defendant, requiring him to answer the complaint, and serve a copy of his answer on the person whose name is subscribed to the summons at a place within the state therein specified in which there is a postoffice, within ten [10] days after the service of the summons, exclusive of the day of service.

It shall not be necessary for a party to set forth in a pleading in any civil action in said court the items of an account therein alleged; but he shall deliver to the adverse party within five (5) days after a demand therefor in writing, a copy of the account verified by his own oath or that of his agent or attorney, if within the personal knowledge of said agent or attorney, to the effect that he believes it to be true, or he be precluded from giving evidence thereof, the court or judge thereof may order a further or more particular bill.

The notice to be contained in the summons, the manner of service of summons, pleadings, notices and appearances, shall be the same as that required by law in the district courts of the state, and the provisions of title one [1], two [2], three [3], five [5], six [6], seven [7], eight [8], nine [9], ten [10], thirteen [13], fourteen [14], fifteen [15], sixteen [16], seventeen [17], eighteen [18], nineteen [19], twenty [20], twenty-one [21], twenty-two [22] and twenty-three [23], of chapter sixty-six [66], general statutes of one thousand eight hundred and seventy-eight [1878], so far as the same may be applicable, except that the time for demurrer and reply shall be ten [10] days,

and except as the same may be modified, changed or altered by this act, shall apply to said municipal court. No police officer of said city shall serve or attempt to serve any summons, process or paper in any civil action in said court unless the complaint in such action shall have been previously filed with the clerk of said court, and in any case wherein such complaint is so filed, the said clerk shall when requested so to do, note or indorse the fact of such filing upon the back of said summons or process, and whenever any such summons, process or paper in any civil action shall have been delivered to any police officer for service, he shall as soon as practicable thereafter make proper return to said clerk, whether said summons, process or paper shall have been served or not, and, if not served, the reason therefor. The pleadings in civil actions in said court shall be the same as in the district courts of the state, subject to such modifications as the court may by rule prescribe, and the court may for good cause in its discretion and on such terms as it may deem equitable, open any default at the same term at which it occurred or within the term next following thereafter, or allow any amendment of any pleading at any time, and shall disregard variances between the allegations of a pleading and the evidence, unless satisfied that the adverse party is prejudiced thereby. Said court shall also 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. Costs are allowed to the prevailing party in actions commenced in said municipal court as follows: To the plaintiff upon a judgment in his favor when the action is brought to recover compensation for manual labor or services five [5] dollars; in all other cases to the plaintiff upon a judgment in his favor upon a trial upon the merits, when the amount thereof or the value of the personal property recovered, exclusive of costs and disbursements, exceeds fifty [50] dollars, and is less than one hundred [100] dollars, five [5] dollars; to the defendant when judgment is rendered in his favor on the merits after trial of an issue of fact, when the amount claimed in the complaint or value of personal property in replevin is less than one hundred [100] dollars, five [5] dollars; to the plaintiff upon a judgment is rendered in his favor of one hundred [100] dollars or more, or in action of replevin, when the value of the property is one hundred (100) dollars or more, when no issue of fact or law is joined, five [5] dollars, when an issue is joined, ten [10] dollars; to the defendant, when the amount claimed in the complaint is one hundred [100] or more, upon discontinuance or dismissal five [5] dollars; when judgment is rendered in his favor on the merits, ten [10] dollars. Costs and disbursements shall be taxed and allowed in the first instance, by the clerk, upon two [2] days' notice by either party, and inserted in the entry of judgment. The disbursements shall be stated in detail and verified by affidavit, which shall be filed. The party objecting to any item shall specify in writing the ground of objection, and the same in case of appeal shall be certified to the court by the clerk, and the

appeal shall be heard and determined upon the objections so certified, and none other.

SEC. 4. Section twelve (12) shall be and hereby is amended by striking out after the words "the persons selected to serve as aforesaid shall not," and before the words "during the year in which they may have been selected" in said section the words "again be eligible," and insert in place thereof, "be obliged to serve upon any other jury." Also by striking out after the words "jurors so summoned and attending as aforesaid in said municipal court" and before the words "in the trial of any action" the words "and duly sworn as such," so that said section as amended shall read as follows:

"SECTION 12. Trial by jury in the municipal court shall in all respects be conducted as in the district courts of said state, and all laws of a general nature applicable to jury trials in said district courts shall apply to said municipal court. Jurors for said municipal court shall be provided and drawn, however, in the following manner, to-wit: The mayor or president of the city, council of the city of Minneapolis, the city clerk and presiding judge of said municipal court, shall on the second (2d) Monday of February, May, August and November in each year, at the office of the city clerk of said city meet, and from the legal voters of said city select and designate sixty-four (64) legal voters of said city as the jurors of said municipal court to serve therein when required and drawn during the succeeding three (3) 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, shall thereupon by lot draw twenty (20) ballots, the persons named upon which shall, if practicable, be summoned to attend the trial of the cause wherein they were drawn, and the first twelve so summoned and attending shall constitute the jury unless some of said jurors shall be challenged or excused, in which case the clerk shall consecutively call the remaining jurors so summoned and attending until the panel so drawn shall be exhausted; if any person duly drawn and summoned to attend as a juror in said court, neglects to so attend without sufficient excuse, he shall pay a fine not exceeding thirty (30) dollars, which shall be imposed by the court, and imprisonment until such fine is paid, not exceeding thirty (30) days. No talesman shall be summoned or sit in any cause in said court. And the first (1st) and second (2d) series of twenty [20] ballots each so drawn, shall not be returned to said box or wheel, until the third [3d] series shall have been drawn from said box, and whenever deemed necessary, said court shall have power to issue a special venire. The persons selected to serve as aforesaid shall not be obliged to serve upon any other jury during the year in which they may have been selected. Jurors so summoned and attending as aforesaid in said municipal court in the trial of any action shall be entitled to like compensation as jurors in the district court of Hennepin county, and shall be paid out of the county treasury of said county of Hennepin. The clerk of said municipal court shall deliver

to each juror a certificate for the number of days attendance and service, and miles traveled, for which he is entitled to receive compensation. This certificate of the clerk for service rendered as such juror in the municipal court, shall be filed with the county auditor, who shall issue his warrant to the treasurer of the county for the amount due, which certificate shall be a proper and sufficient voucher for the issuance of such warrant and the party demanding a jury in any civil action shall be required to advance and pay to the clerk of said court on the day when such action is set for trial a jury fee of three [3] dollars; and unless such jury is demanded upon the calling of the calender on the first [1st] day of term at which the same is set for trial it shall be considered to be and the same shall be waived and said action be tried by the court.

Any juror who has been regularly summoned to attend in said court and who shall actually attend said court at the time named in such summons shall be entitled to his per diem and mileage whether he shall actually have been sworn as a juror or not."

SEC. 5. Section thirteen (13) of said act shall be and hereby is amended by inserting after the words "as from the district courts" and before the words "and said municipal court shall have jurisdiction of forcible entry and unlawful detainer" in said section the words:

*"Provided, however,* that when a motion for a new trial is made upon the minutes of the judge, or upon the minutes of the stenographic reporter, where there is such a reporter, it may be heard at the term of court next succeeding the term at which the trial is had, or the verdict or decision rendered, so that said section as amended shall read as follows:

Section 13. Section four (4) of chapter twenty-seven [27] of the general statutes relative to reporter of supreme court and the distribution of the supreme court reports shall apply to the judge of said municipal court. And all causes may be removed from the said municipal court to the supreme court of the state of Minnesota in the same manner and upon like proceedings, and with like effect, as from the district courts; *Provided, however,* That when a motion for a new trial is made upon the minutes of the judge or upon the minutes of the stenographic reporter, where there is such a reporter, it may be heard at the term of court next succeeding the term at which the trial is had or the verdict or decision rendered.

And said municipal court shall have jurisdiction of actions of forcible entries and unlawful detainers, and may fix return days for such actions on other than the regular return of said court, and chapter eighty-four [84] of the general statutes, relative to forcible entries and unlawful detainers shall apply to said municipal court, and the summons issued by the clerk in such actions may be in the form as follows:

STATE OF MINNESOTA, } MUNICIPAL COURT,  
 COUNTY OF HENNEPIN. } ss CITY OF MINNEAPOLIS.

STATE OF MINNESOTA:

To any police officer of the city of Minneapolis: to the sheriff or any constable of the county aforesaid:

WHEREAS.....of.....  
 .....in.....  
 has filed in the office of the clerk of the above named court complaint against.....of the.....  
 .....in the county of Hennepin and state aforesaid for that the said.....now does.....  
 .....at.....in said Hennepin county wrongfully and unlawfully detain from the said complainant the possession.....  
 .....of the following described premises lying and being in the.....in the county of Hennepin, aforesaid, viz:.....

WHEREFOR.....complaint asks that he have judgment against the said.....for the restitution of the premises hereinbefore described according to law and for the costs and disbursements of this action.

THEREFORE, You you are hereby commanded to summon the said.....if he be found in said county, to appear before said court, at the municipal court room, in the city of Minneapolis, in said county of Hennepin, on.....day the.....day of.....188, at nine [9] o'clock in the forenoon, then and there to make answer to and defend against the.....complainant aforesaid, and further to deal with according to law, and make due return to said court of this summons with your doings thereon.

Witness the honorable municipal judge, at the city of Minneapolis, this.....day of.....in the year one thousand eight hundred and eighty..... [188....].

..... Clerk of the municipal court.

SEC. 6. Section seventeen (17) of said act shall be and hereby is amended by striking out after the words "the judge" and before the words "clerk of said court" in said section the words and figures "of said court shall receive a salary of twenty-five hundred (2,500) dollars and the special judge of said court a salary of two thousand (2,000) dollars per year" and insert in place thereof the following words and figures: "The judge and special judge of said court shall each receive a salary of twenty-five hundred (2,500) dollars per year." Also by striking out all after the words "and the clerk of said court a salary of" and before the words "payable from the city treasury" in said section, and insert in the place thereof the following words: "And the clerk of said court a salary of eighteen hundred (1,800) dollars per



year, and to the deputy clerks, who may be appointed to assist the clerk in the discharge of the duties of his office as follows: "To the first deputy the sum of twelve hundred (1,200) dollars per year and to the second deputy the sum of eight hundred (800) dollars per year, payable from the city treasury in quarterly installments" so that said section as amended shall read as follows:

Section seventeen (17). The judge and special judge of said court shall each receive a salary of twenty-five hundred (2,500) dollars per year and the clerk of said court a salary of eighteen hundred (1,800) dollars per year and to the deputy clerks who may be appointed to assist the clerk in the discharge of the duties of his office, as follows: To the first (1st) deputy the sum of twelve hundred (1,200) dollars per year and to the second deputy the sum of eight hundred (800) dollars per year, payable from the city treasury of the said city of Minneapolis, in quarterly installments; and neither the said judge nor 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 the clerk of the district court of Hennepin county, or to justices of the peace in proceedings and upon trials before them for similar services. It shall be the duty of the chief of police of said city of Minneapolis to serve, or cause to be served forthwith, and it shall be the duty of the police officers of said city to serve all processes issued by said court, except as otherwise provided in this act.

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 for such services as are allowed to constables for the like services in justice's court. And all fees so charged by the clerk or by any police officer, 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. The clerk shall pay witnesses in criminal actions the fees to which they may be entitled, when no other provision shall be made by law for such payment, taking receipts therefor in such form as the court may direct, which receipts shall be sufficient vouchers for the payment of the sums therein named, which said sums shall be noted upon the monthly reports of said clerk and deducted from the amount therein otherwise shown to be due to the city, and all witness fees collected by the clerk and not paid to witnesses as aforesaid, shall be paid over to the city the same as other fees accruing to the city, and all balances of deposits for costs remaining in the hands of said clerk for one month after the termination of any action, or for a like period after an abandonment of or failure to prosecute the same, and all other deposits or money arising from bail bonds, recognizances and payment of penalties thereon or otherwise shall be paid over to the city on the first (1st) Monday of the month following. Provided, that in the event that the party or parties who may be entitled to receive said balance of deposits or other moneys or any portion thereof, may demand the same of said clerk at any time thereafter, and upon giving a receipt therefor to the clerk he shall pay over the same, and said receipt shall

be sufficient voucher for the same in like manner as provided herein in the case of receipts for witness fees. No fees shall be charged against either the city, county or state.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 2, 1887.

C. 22 87-M 133  
91-NW 431  
58-LRA 665

## CHAPTER 22.

H. F. 965.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT RELATING TO FREE SCHOOLS IN THE CITY OF MINNEAPOLIS," APPROVED MARCH SEVENTH (7th), ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878), AND THE SEVERAL ACTS AMENDATORY THEREOF.

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

SECTION 1. An act relating to free schools in the city of Minneapolis, approved March seventh (7th), one thousand eight hundred and seventy-eight (1878), as the same now reads, is hereby amended by striking out any provisions therein contained relative to the times and manner of election and the terms of office of members of the Board of Education in conflict with any provisions of the charter of the city of Minneapolis in relation thereto; and in determining the terms of office and the times and manner of election of members of the Board of Education, the provisions of the charter of the city of Minneapolis in relation thereto shall govern, so far as the same are in conflict with the above entitled act.

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

Approved March 4th, 1887.

## CHAPTER 23.

(S. F. No. 604.)

AN ACT TO REPEAL SO MUCH OF SECTIONS SEVEN (7), EIGHT (8), NINE (9), TEN (10), ELEVEN (11), TWELVE (12), THIRTEEN (13) AND FOURTEEN (14) OF SUB-CHAPTER NINE (9) OF THE CHARTER OF THE CITY OF MINNEAPOLIS, AS CREATED THE BOARD OF WATER COMMISSIONERS.

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

SECTION 1. So much of sections seven (7), eight (8), nine (9), ten (10), eleven (11), twelve (12), thirteen (13) and fourteen (14) of sub-chapter nine (9) of chapter seventy-six (76) of the special laws of the State of Minnesota for the year one thousand eight hundred and