

sums due for court costs or fees of the chief of police or his deputies, or the court officer or any other officer in any civil case shall be paid to the clerk before judgment shall be entered therein."

SEC. 6. Section thirty (30) of said act shall be amended so that said section shall read as follows: "Section 30. The term 'court costs' or 'costs of court' as used in section twenty-seven (27) and twenty-nine (29) of this act shall be construed as embracing clerk's fees; but for all services performed by the clerk in his official capacity, which are not within the provisions of said sections, and are not otherwise provided for in this act, the same shall be charged and collected as now are or hereafter may be allowed by law to the clerk of the district court of Winona county for similar services; *provided*, that the clerk of the municipal court shall in no case charge more than six (6) cents per folio of one hundred (100) words for copies and transcripts of his records."

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

Approved March 19, 1889.

CHAPTER 15.

[H. F. No. 863.]

AN ACT ENTITLED AN ACT ESTABLISHING A MUNICIPAL COURT
IN THE CITY OF SAUK CENTRE.

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

SECTION 1. That there is hereby established in the city of Sauk Centre, in the county of Stearns, 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 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 that are now or hereafter may be cognizable before a justice of the peace of the county of Stearns or the city of Sauk Centre. 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, nor of any action involving the title to real estate; *provided*, that where a counter claim in excess of three hundred (300) dollars over plaintiff's claim is interposed, or where it appears that the title to real estate is involved, the said court shall immediately cause an entry of the fact to be made of record and cease all further proceedings in the cause, and certify and return to the district court of the county of Stearns a transcript of all entries made in the record relating to the case, together with all process and other papers relating to the suit in the same manner and within the same time as upon appeal from justices.

courts and thereupon the said district court shall proceed in the cause to final judgment and execution according to law, the same as if the said suit had been originally commenced in said court; and the costs shall abide the event of the suit except that the plaintiff shall advance the costs of the said municipal court in the suit.

SEC. 3. There shall be elected at the general city election in April, in the year one thousand eight hundred and eighty-nine (1889) in said city and every four (4) years thereafter a suitable person with the qualifications hereinafter mentioned to the office of judge of said court, to be called municipal judge, who shall enter upon the duties of his office within ten (10) days after his election and hold his office for the term of four (4) years and until his successor is elected and qualified. In case of any vacancy in the office of municipal judge, or of the special judge hereinafter provided for occurring, the governor of the state of Minnesota shall appoint to fill the vacancy some person qualified as hereinafter mentioned who shall hold his office until his successor is elected and qualified. At the next annual city election occurring more than thirty (30) days after a vacancy in said office or either of them shall have happened a judge or special judge, as the case may be of said court qualified as aforesaid shall be elected for the full term and until his successor is elected and qualified. In case the said vacancy shall have occurred within a period of thirty (30) days before the general city election, then the said judge or special judge as the case may be shall be elected at the general city election in the year following that in which the vacancy shall have happened, for the said full term and until his successor is elected and qualified.

SEC. 4. Every judge of said court shall be a resident of the city of Sauk Centre, and a person duly admitted to practice as an attorney in the courts of this 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 clerk of said city. 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 in all cases, and as conservator of the peace, shall have all powers and authorities which are by law vested in justices of the peace or any other judicial officer.

SEC. 5. The city council of the said city of Sauk Centre shall appoint a police officer of said city who shall act as officer of said court, who before entering upon the duties of his office, shall execute a bond to said city, to be approved by the said council, in the sum of at least five hundred (500) dollars, conditioned for the faithful performance of the duties of his office. It shall be the duty of said officer to attend said court when required by the judge to execute its orders, to serve all process within the city limits, issued therefrom which may be delivered to him for service, and to perform such other duties as may be required by this act, or by any statute of this state relating to court officers. In case of said officer's inability to act, the said judge may appoint any competent person to act temporarily in his place and stead, who shall possess the same powers and perform the same duties as said officer. The compensation of said officer shall be fixed by the city council.

SEC. 6. The municipal court shall have full power and authority to issue all process, civil and criminal, necessary and proper to the exercise of the jurisdiction given it by law, and to enforce 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 by 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 or injunction. It shall also have all the powers and jurisdiction conferred on justices of the peace by chapter eighty-four (84), general statutes of this state, relating to forcible entries and unlawful detainers, and the proceedings shall be the same, with the same right of appeal, as therein provided.

All process shall be issued under the seal of the court and signed by the judge. All forms of process shall 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 adopted to the style of the court and used at the discretion of the court. Process shall be directed for service to any police officer of the city of Sauk Centre, or to the sheriff or any constable of said county, and shall be served the same as like process in the district court, and service by publication may be ordered and made in like manner and for like cause as in justices court.

SEC. 7. Said municipal court shall be held in the city of Sauk Centre, at some suitable place to be provided therefor by the city council. Its judge shall be the chief magistrate of the city, and shall see that the criminal laws of the State and the ordinances, regulations and by-laws of said city are observed and executed, and 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 city, or otherwise, either with or without process, for violation of the ordinances, regulations or by-laws of said city. The judge of the court shall keep a record of all proceedings, and enter all orders, judgments and sentences, and issue commitments and executions as well as other process and writs.

SEC. 8. The judge of the municipal court, shall have the custody and care of all the books, papers and records of said court. He shall keep minutes of all proceedings, and enter all judgments and make up and keep the records of the court. He shall tax all costs and disbursements allowed in any action, receive and collect all fines and penalties imposed by the court, and fees of every kind accruing to the court or any officer thereof, including the police officers, and keep full, detailed and accurate accounts of the same; and shall on the first Monday of every month, deliver over to the city treasurer of said city of Sauk Centre, all moneys so received, with detailed accounts thereof, and take his receipt therefor; and all moneys so collected for fines, penalties or fees shall remain the property of said city.

SEC. 9. The municipal court shall hold regular terms for the trial of all

civil actions on the first and third Tuesdays of every month, which term shall continue from day to day with such adjournments as to the the court may seem proper until the business of each term shall be finished, and the court may, by order or rule, 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 writ of attachment to be issued by the judge. The summons shall be served upon the defendant not less than six (6) days nor more than thirty (30) days before the term at which the same is made returnable. No summons shall issue until a written complaint in the action shall be made and filed with the court by the plaintiff or his attorney. If the defendant fails to appear at the time at which the summons is returnable, he shall be defaulted; if he so appears, he shall then, or at such time as the court may designate, answer the plaintiff's complaint; and if the answer contains a counter-claim, the plaintiff shall reply forthwith, or at such time as the court may designate. The answer or reply shall be in writing, and be filed with the court, and each of such pleadings shall be verified by the party, or his agent or attorney, as in courts of justices of the peace. Either party may demur to any pleadings of his adversary as in the district court, but all pleadings in this court shall be construed liberally. And the court may for good cause, in its discretion, and on such terms as it may deem equitable, open any default within six (6) months after the same is made, and may allow any amendment of any pleading at any time, and shall disregard variance 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, except in the case of the proceedings under the provisions of chapter eighty-four (84,) 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 may be just. Said court shall also have authority to provide by rule or order that the plaintiff in any civil action shall, by bond, recognizance, or deposit of money with the court, give security for costs and disbursements in such sum as the court may designate by such rule or order, 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 district court.

SEC. 10. Any creditor having a claim of ten (10) dollars or more, and desiring to proceed by attachment in said court, shall by himself or attorney, make and file his complaint, in writing, together with an affidavit similar to the affidavit required by law in an application for a writ of attachment in the district court, and also cause to be filed a bond in the penal sum to be fixed by the judge of the court, not less than one hundred (100) dollars nor more than five hundred (500) dollars, with sufficient surety, to be approved by the judge, and similar to the bond required on a like application in the district court; and a writ of attachment shall in all cases be returnable as an ordinary summons, except that in no case shall it be made returnable more than thirty (30) days from its date. In all other respects the service of the writ and other proceedings thereon, shall be similar, as near as may be,

to the service of such writs and proceedings in district court; *Provided, however*, that in all cases where such writs shall be served on the defendant personally, judgment may be entered in said action whether property be actually attached by virtue of said process or not.

SEC. 11. When the object of an action is to recover possession of personal property, the plaintiff, his agent or attorney, shall make and file his complaint in writing, together with an affidavit similar to the affidavit required in the district court in a like action, and the plaintiff, or some person in his behalf, shall execute a bond with one (1) or more sureties, to be approved by the judge, conditioned similar to like bonds in such actions in district court, and file such bond. The judge shall thereupon issue the writ. The writ shall be served, and all proceedings thereunder, had in the same manner, except as herein otherwise provided, as upon similar proceedings in district court. The officer executing the writ shall retain the property 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 (1) or more sureties, to be approved by the judge, conditioned as in like cases in the district court, and file such bond, the court shall thereupon issue an order to the officer to re-deliver such property to the defendant. Or the defendant may within three (3) days after the service of the writ, serve a notice on the officer serving the same, and on the plaintiff or his attorney, if either of them are to be found in the county of Stearns, that he excepts to the sufficiency of the surety or sureties on plaintiff's bond, and upon filing an affidavit with the court showing the service of such notice, or in case said plaintiff or his attorney are not to be found in said county, on affidavit setting forth said fact, the judge of said court shall require such surety or sureties to appear before him, at such time as he may fix, to be examined as to their sufficiency; and in case said surety or sureties fail to appear at such time, or if said judge, after such examination, deems them or either of them insufficient, he shall require the plaintiff to file a new bond, in the same amount, and containing the same conditions required by law in the bond first filed, with surety or sureties to be approved by the judge. In case plaintiff fails, within the time prescribed by the court to give such bond, the action shall be dismissed, and the defendant have judgment for the return of the property.

SEC. 12. The judge 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.

SEC. 13. Jurors for said municipal court shall be provided and drawn in the following manner, to-wit: The city council during the month of April and October in each year shall select seventy-two (72) legal voters of said city as the jurors of said municipal court to serve therein when required during the six (6) months beginning on the next ensuing first (1st) day of May or November as the case may be, and until their successors are designated; and shall thereupon certify said names so selected, to the judge of said court, who shall thereupon write said names upon separate ballots and place the same in a box kept for that purpose, and whenever a jury is demanded by either

party in said court, the judge shall draw singly, twenty-four (24) names from the said box and make a list of the same. Each party may thereupon strike out six (6) names; in case of the refusal or neglect of either party to so strike out such names, the judge shall strike out the names for either or both. And upon such names being stricken out, a venire shall be issued, directed to the sheriff of the county or any constable of the same, or to a police officer of said city, requiring him to summon the twelve (12) persons whose names remain upon such list to appear before said court at the time and place mentioned therein as a jury for the trial of such action; *provided*, that in civil actions, upon the consent of both parties entered upon the minutes, a jury of six (6) may be ordered, and in such case, eighteen (18) names shall be drawn from the box and a list of the same made by the judge or clerk, and each party may strike out six (6) names; and the said jury shall be selected, empanelled and summoned as provided in this section. The first (1st) two (2) series of twenty-four (24) or eighteen (18) names each so drawn from the box shall not be returned to the box until the third (3d) series shall have been drawn, and the same rules shall be observed in connection with subsequent drawings during each period of six (6) months, and no person selected and required for a period of six (6) months as aforesaid, shall be placed upon the jury list for the next succeeding six (6) months. If any of the jurors shall not attend at the time mentioned in the venire or are excused, the officer shall summon a sufficient number of talesmen to supply the deficiency. To the talesmen so summoned, either may interpose two (2) peremptory challenges; and a challenge for cause may be entertained and allowed against any person called as a juror in any case whenever such challenge would be properly allowed in the district court; but all challenges for cause shall be decided by the judge; *provided*, that upon the request of either party to an action, the judge shall order a jury to be drawn in the same manner as in justices 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 trial of causes shall be the same as in district court, and exceptions to the rulings and decisions of the judge, and to his charges and refusals to charge, may be taken as upon trials in the district court. Each juror sworn in any civil action in said municipal court shall be entitled to fifty (50) cents as his fees in the case, and the party demanding a jury in any civil action, or when the demand is made by both parties, the plaintiff shall, before the jury are sworn, pay the jury fee to the judge who shall pay the same to the jurors when they are discharged. Whenever the judge becomes satisfied that the jury in any case before him who have been out a reasonable time, cannot agree upon a verdict, he may discharge them; and in such case unless both parties in a civil action, or the defendant in a criminal action, consent that judgment may be rendered by the judge, on the evidence already taken, the judge shall order that a new jury be drawn and summoned to appear at such time as he may designate for a retrial of such action; but in a civil action, before such new jury is sworn, their fees shall be advanced, as above provided, by the party still demanding a jury. There shall be no jury trial in any civil action in said municipal court ex-

cept when demanded by one or both of the parties; and trial by jury may be expressly waived by the defendant in a criminal case in said municipal court, in which event a minute of the waiver shall be made by the judge, and the trial may thereupon be had by the court without a jury; *Provided*, that on request of either party to an action the judge may order a jury to be drawn as in justices court.

SEC. 14. Title eighteen (18) of chapter sixty-six (66) of the general statutes, relating to trial by referees, title nineteen (19) of the same chapter, relating to exceptions, and title twenty (20) of the same chapter, relative to new trials, shall apply to said municipal court. Where not otherwise provided in this act, said municipal court is vested with all the powers possessed by the district courts in this state; and all laws of a general nature apply to said municipal court as far as the same can be made applicable and are not inconsistent with the provisions of this act, and the practice and mode of procedure prescribed by the general laws of this state for use in district courts shall in all cases not otherwise provided for, and when not inconsistent with the provisions of this act, obtain and be followed in said municipal court; *provided*, that the judge of said municipal court may adopt and enforce such rules of practice therein, not contravening this act or the general laws of this state, as he may deem necessary and just.

SEC. 15. Disbursements shall be allowed to the prevailing party in all civil actions in said municipal court, and in all contested cases when the amount claimed by the plaintiff in his complaint, or the counter claim in the defendant's answer, exceeds one hundred (100) dollars, the prevailing party shall be allowed the sum of five (5) dollars as statutory costs to be taxed on such notice as the court may by rule prescribe.

SEC. 16. Section four (4) of chapter twenty-seven (27) of the general statutes, relating to reporter of the supreme court, and the distribution of the supreme court reports, shall apply to the said municipal court; and all causes may be removed to the district court of Stearns county upon appeal in the manner provided for appeal from justices of the peace. The district court shall have the same power to compel a return or an amendment of a return on appeal from said municipal court, and shall in all other respects have the same powers in cases of appeal therefrom that it now possesses in cases of appeal from courts of justices of the peace.

SEC. 17. 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. Execution 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 and disbursements may, upon paying the fee therefor, and all unpaid fees payable to the court in such action, demand and shall receive a transcript of such judgment duly certified, and may file the same in the office of the clerk of the district court of the county of Stearns who shall file and docket the same as in the case

of transcripts of judgment from courts of justices of the peace, 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. The judge of 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; and it shall not be necessary in order to entitle a party to any such transcript, that execution be first issued from said municipal court.

SEC. 18. Proceedings against garnishees may be instituted in the same manner as in justices' courts, but the summons may be served either by an officer, or, if authority be given by the court, by any person not a party to the action, at any place within the state of Minnesota; and such garnishee summons may be made returnable at any term of said municipal court not more than thirty (30) days from its date, and shall be served not less than six (6) days before the term at which it is made returnable; and the notice required to be served on the defendant in the action may be signed either by the person who served the garnishee summons, or by the plaintiff or his attorney, and shall be served upon the defendant at least three (3) days before the time specified in the summons for the appearance of the garnishee. The disclosure of the garnishee may be taken, and all further proceedings had in the same manner as if the proceedings were in a justice court.

SEC. 19. Complaints in criminal cases where the defendant is not in custody, may be made to the court while in session, or to the judge when the court is not in session, and shall be made in writing or reduced to writing by the judge, 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. Warrants shall be issued by the judge, and may be served by any police officer of said city, or by the sheriff of Stearns county, at any place within this state. And 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 adapt 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 without process, the judge 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 direct a formal complaint to be made. The plea of the defendant shall be "guilty" or "not guilty"; in case of failure to plead, the judge shall enter a plea of "not guilty," and a former acquittal or conviction of the same offense may be proved under that plea as well as if formally pleaded. In the examination

of offenders charged with offenses of which the municipal court has not final jurisdiction, the judge shall keep minutes of the examination (as required from justices of the peace in like cases) before which the party charged with the offense may be bound to appear.

SEC. 20. The salary of the judge shall be one thousand dollars (\$1,000) per year, payable from the city treasury in monthly installments, and the judge shall receive no other fee or compensation for his official services under this act.

SEC. 21. The court officer, and in criminal cases, the police officers of said city, are hereby vested with all the power of constables under the statutes of Minnesota, as well as at common law, and court officer and police officers in making service of any process or writ, 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 like services in justices' courts; and all fees, whether charged by the judge or by the court officer, or any police officer, whether due from the county on preliminary examination, or otherwise, shall be collected by the judge as costs, and by him be accounted for and paid over to the city treasurer of said city as herein before provided. Service of all process and writs issued out of said municipal court, in cases triable therein that are to be served within the limits of said city, shall be made by the court officer of said court, or a police officer of said city, or, in criminal cases, a police officer of said city, except when, in civil cases, service of process by private person shall be authorized by the court; but the court may, in its discretion, when the circumstances of the case render such action necessary or advisable, specially authorize the making of such service by the sheriff or any constable of Stearns county; and no police officer of said city nor the court officer of said municipal court shall receive for any service by him performed in said court, or in executing its orders, process, warrants or writs, any other or further compensation than the regular salary paid him by the city; and if any fees shall be paid to either of said officers for any such service, he shall forthwith pay the same over to the said municipal court for the use of said city.

SEC. 22. There shall be elected each year at the general city election a special judge of said municipal court, whose powers and duties shall be the same as those of the municipal judge, except as otherwise provided in this act. At the request of the municipal judge in case of a press of business in said court, or at the request of the mayor of said city in case of the absence or sickness of the municipal judge, said special judge shall act as judge of said court, and when the special judge so acts he shall have and exercise the same powers as the municipal judge. Said special judge shall not act on the trial or examination of any case or otherwise, except as above provided; and any special judge acting as judge of said court shall receive compensation at the rate of four (4) dollars per day, the same to be paid by the city of Sauk Centre; *Provided*, that all sums paid by the said city to said special judge for services shall be deducted from the salary of the municipal judge. This section shall not incapacitate any such special judge from acting as an attorney in any case or proceeding in said court, but when such judge is acting as judge of said court he shall take no action in said case, save to

adjourn the same. Nothing in this chapter shall be construed to prohibit the judge of said court from practicing as an attorney in any court in this state, save said municipal court.

SEC. 23. It shall be the duty of the city attorney of the city of Sauk Centre to prosecute all offenses in said court, arising under the ordinances of said city. And the county attorney of Stearns county may appear in the prosecution of offenses against the criminal laws of the state, and shall appear and conduct such prosecutions if requested by the municipal judge.

SEC. 24. The judge of the municipal court, and with the consent and approval of the city council (unless herein otherwise provided), shall 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 said city.

SEC. 25. Upon the election and qualification of the municipal judge, all causes and proceedings then pending before justices of the peace within said city, shall forthwith by said justices 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 any and all justices of the peace of said city shall at once be transferred and turned over to the said municipal court, which shall have full jurisdiction to finish and complete all proceedings pending before any such justice of the peace, and to enforce, by execution or otherwise, all judgments theretofore rendered by justices of the peace within the present city of Sauk Centre. 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 city of Sauk Centre shall issue any process, nor take cognizance of any action or proceedings civil or criminal but the jurisdiction of said municipal court shall within said city be exclusive in all causes heretofore cognizable before justices of the peace except that this clause shall not affect the jurisdiction of any court of record having general jurisdiction, such as is conferred upon the district court.

SEC. 26. In all criminal cases tried in said court whether arising under the statutes of this state or under ordinances of said city in which the defendant shall be convicted, he shall be required to pay the costs of prosecution, and the court shall tax as costs in addition to all fees of witnesses for the prosecution and of the sheriff, or other officer or officers taxed in said cases, and if not paid, judgment shall be entered therefor against the defendant, the following sums, viz: In cases where no warrant is issued, and the defendant upon being arraigned shall plead guilty, two (2) dollars. In cases where warrants shall be issued and the defendant upon arraignment pleads guilty, two and one-half (2½) dollars. In cases where the defendant shall plead guilty and shall be tried before the court, five (5) dollars. In cases where the defendant shall plead not guilty and shall be tried before a jury, ten (10) dollars. Said sums respectively, to cover all ordinary court costs up to the including en-

try of judgment and the issue of commitment or execution for the enforcement thereof. In any criminal case in said court, whether arising under the statutes of this state, or under the ordinances of said city, the court shall have power, if the defendant, if convicted, to commit him either to the jail of Stearns county, or to the city prison of said city, until any fine which the court may impose upon him and the costs of prosecution, or either, are paid; *Provided*, that such commitment shall not in any case be for a longer time than three (3) months.

SEC. 27. In all examinations held by or before said court, to inquire of offenses of which said court shall not have final jurisdiction, the court shall tax as costs the same fees as are now allowed to justices of the peace for similar services, including a fee of two (2) dollars for the return, and collect the same from the county of Stearns.

SEC. 28. On filing his complaint in any civil action in said municipal court, the plaintiff shall pay in to court, as court costs, the sum of fifty (50) cents, which shall be retained and paid over to the city treasurer, whether any further proceedings in the case are taken or not, and if the amount claimed in the complaint, or the value as therein alleged, of the property of which recovery is sought, does not exceed one hundred (100) dollars, and judgment is rendered in plaintiff's favor by default or by consent of defendant without trial, or in defendant's favor on dismissal of the action without trial, no further charge for such costs shall be made; but if the amount so claimed, or the value of the property so alleged, exceeds one hundred (100) dollars, there shall be charged on entry of judgment in either case above stated, the further sum as such costs of seventy-five (75) cents for each additional hundred (100) dollars or fraction thereof; *Provided*, that in actions of replevin, and in actions begun by attachment, the sum to be paid on filing the complaint, and retained as aforesaid, shall be three (3) dollars, and the total charge for court costs shall be one (1) dollar more than in ordinary actions as above specified. When issue is joined and a trial had in the action, there shall be charged as court costs, in every case, in addition to the charges in this section above mentioned, the sum of one dollar and fifty cents (\$1.50). The above prescribed charges shall cover all ordinary court costs in any civil action, up to and including entry of judgment, the issue of one execution and satisfaction of judgment; *Provided, however*, that they shall not be deemed to cover court costs on motion for a new trial, or in arrest of judgment, or other motions not made at the trial or on the taking of an appeal from said court. In each and every civil action there shall be taxed and allowed, besides the court costs above stated, the same fees for services performed by the sheriff, or other officer in serving process or otherwise, as are allowed by the statute for this state to constables for like services. All sums due for court costs or fees of the city police officers, or the court officers, in any civil case, shall be paid to the court before judgment shall be entered therein.

SEC. 29. The term "court costs," or "costs of court," as used in section twenty-seven (27) and twenty-nine (29), of this act, shall be construed as embracing court fees only; but for all services performed by the judge in his official capacity, which are not within the provisions of said sections, and are not otherwise provided for in this act, the same fees shall be charged and collected as now are or may here-

after be allowed by law to the clerk of the district court of Stearns county for similar services.

SEC. 30. The territorial jurisdiction of said municipal court shall be the same as that of justices of the peace in Stearns county, except as herein otherwise provided.

SEC. 31. That in any civil action brought in said court except in cases where a justice court has or would have jurisdiction, the defendant may take a change of venue of said cause to the district court of said Stearns county, upon making demand therefor, on the return day of the summons or within ten (10) days thereafter, but before the commencement of the trial of said cause. Such demand shall be in writing, signed by the defendant or his attorney, and filed with the judge of said court, who shall thereupon within ten (10) days, transfer and certify said cause, together with all process, pleadings, and papers therein to the district court of said county. Upon the filing of said demand as aforesaid the jurisdiction of said municipal court in said cause shall cease, and thereupon and thereafter the district court shall have and possess the same jurisdiction of said cause as if originally commenced therein. Any pleading not filed before said change of venue shall be served thereafter within the time and in the same manner, and be answered by reply or counter-claim or any pleading amended in all respects as required by the practice in the district courts.

SEC. 32. This act shall take effect and be in force from and after its passage.

Approved March 28, 1889.

CHAPTER 16.

[S. F. No. 305.]

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

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

SECTION 1. There shall be established in the city of Owatonna, in the county of Steele, a municipal court for the transaction of all business that may lawfully come before it.

Said court shall be a court of record, shall have a seal and may have a clerk, and shall have jurisdiction to hear, try and determine civil actions at law where the amount in controversy does not exceed three hundred dollars (\$300), 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 causes, arising or triable within the city of Owatonna heretofore cognizable before the city justice, or a justice of the peace.