

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.

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## 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.

It shall not have jurisdiction of actions for divorce, nor of any actions where the relief asked for in the complaint, or interposed as a defense by the answer, is purely equitable in its nature

*Provided, however,* that where a counter-claim in excess of three hundred (\$300) dollars over plaintiff's claim, or where any equitable defense or ground for equitable relief 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 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 Steele, a transcript of all entries made in the record, together with all process and other papers relating to the suit, in the same manner and within the same time as upon an appeal from justice court, and thereupon the said district court shall proceed in the cause to final judgment and execution according to law, the same as if 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 municipal court in the suit.

SEC. 2. The judge of said court shall be a resident of the city of Owatonna, and a person learned in the law and 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 recorder 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 authority which is by law vested in justices of the peace or any other judicial officer, including sole and exclusive jurisdiction of all violations of the ordinances of the city of Owatonna and prosecutions thereunder.

SEC. 3. Said judge shall be styled the "Municipal Judge," and shall be elected by the qualified electors of said city, at the general elections thereof, and shall hold his said office for two years and until his successor is duly elected and qualified. The first said judge shall be so elected at the general election thereof to be held on the twelfth (12) day of March, A. D. eighteen hundred and eighty-nine. (1889.)

In case of any vacancy in the office of municipal judge after said first election, the governor of the state of Minnesota shall appoint to fill such vacancy, some qualified person to said office who shall hold the same until the next annual city election, when a judge shall be elected for a full term of two years. Every such judge, whether elected or appointed, shall hold his said office until his successor is elected and qualified.

SEC. 4. 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 the court.

Before entering upon the duties of his office, such clerk shall take and subscribe an oath to support the constitution and laws of the United States and of this state, and to faithfully discharge and perform all the duties of his office, and shall execute to the city of Owa-

tonna a penal bond in such sum and with such sureties as the city council thereof 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.

The salary or compensation of said clerk shall be such as such judge shall direct, and shall be paid by him.

Such clerk shall have power to appoint, subject to the approval of the judge, a deputy clerk, with like powers, for whose acts said clerk shall be responsible.

SEC. 5. The municipal court shall have full power and authority to issue all process, civil and criminal, necessary and proper to carry into effect the jurisdiction given it by law, and its judgments and other determinations; and it shall have and possess all the powers usually possessed by courts of record at common law, subject to 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*, 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 1878, and the proceedings shall be the same as therein provided.

All process shall be tested in the name of the judge, and issued under the seal of the court and signed by the clerk, who shall be styled "Clerk," or by the judge.

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 any prescribed form, the forms of process in use, either in courts of record in this state, or in justice courts, 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 of the city marshal, chief of police or any constable of the city of Owatonna, or to the sheriff or any constable of Steele county, and may be served the same as a summons in district court, and service by publication may be ordered and made in like manner.

SEC. 6. The said municipal court shall be held in the city of Owatonna, at some suitable place to be provided therefor by the judge of said court, or 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, laws, regulations and by-laws of said city are observed and executed, and for that purpose shall open his court every morning—Sundays and legal holidays excepted—and proceed to hear and dispose of, in a summary manner, all cases which shall be brought before him by the police officers of the city, or otherwise, either with or without process for violation of the criminal laws of this state, committed within the county of Steele, or of the ordinances, laws, regulations or by-laws of said city.

A record of all proceedings in said court shall be kept, in which shall be entered by the judge thereof, or under his supervision, all orders, judgments and sentences of said court, and all commitments

and executions, as well as all other process, shall be issued by the said judge or clerk.

SEC. 7. If no clerk be appointed, said judge shall perform all the duties otherwise to be done by the clerk, and in such case shall execute and file the bond provided for by section four (4) herein.

The clerk, or if no clerk be appointed then the said judge acting as clerk, shall have the care and custody of all the books, files, records and papers of said court; he shall be present at all trials and proceedings in court; he may swear all witnesses and jurors and administer all oaths, and shall keep minutes of all proceedings, enter judgments and make and keep the record of the court, all which when done by the clerk, shall be done under the supervision of the judge.

In the absence of the judge, adjournments may be made by the clerk.

SEC. 8. Said court shall hold regular terms for the transaction of civil business and trial of civil actions, on each and every Tuesday. Said terms shall continue from day to day with such adjournments as the court may direct, until the business of such term shall be finished.

All civil actions for the recovery of money only, shall be commenced by summons, or by writ of attachment, or other process to be issued from said court, and all proceedings under the provisions of chapter eighty-four (84) of the general statutes and all civil process shall be returnable at ten (10) o'clock in the forenoon of one (1) of said terms, and the summons or other process, shall be served upon the defendant at least six (6) days before the term at which the same is made returnable; *provided*, that when the cause of action is within the jurisdiction of a justice of the peace, service of the summons may be made in the cases and in the manner provided in sections fourteen (14) and fifteen (15) of chapter sixty-five (65) of the general statutes of 1878.

No summons shall issue until the complaint in the action shall have been filed.

The pleadings in civil actions in said court shall be the same as similar pleadings in the district courts of this state, subject to such modification as the court may by rule prescribe.

If the defendant fails to appear at the hour at which the summons or other process is returnable, or within one (1) hour thereafter, he shall be defaulted. If he so appear he shall then, or at such time as the court shall designate, not to exceed one (1) week, answer the plaintiff's complaint, or demur to the same, and if the answer contain a counterclaim, the plaintiff shall reply or demur thereto forthwith, or at such time as the court shall designate.

Every complaint, answer, demurrer and reply shall be in writing signed by the party or his attorney, and all pleadings except demurrers shall be verified as in justice court.

Either party may demur to any pleading of his adversary in the cases and under the provisions applicable to district courts in this state.

The court may for good cause in its discretion, and on such terms as shall be just and equitable, open any default within thirty (30) days after the party against whom it is entered shall have notice or knowledge of the same. Application therefor shall be on notice and

be made in writing, accompanied by the affidavit of the moving party or his agent, stating the grounds thereof, also by the proposed answer. Copies of each shall be served upon the party in whose favor the judgment was entered, or the assignee thereof, with said notice at least six (6) days before the day of hearing thereon.

Whenever the title of any purchaser at the sale of any property under execution issued upon such judgment would be effected by the opening thereof, a copy of said notice, motion, affidavit and proposed answer shall be served in like manner, upon such purchaser.

No grounds not stated in said affidavit shall be considered at such hearing.

Either party shall be entitled to a continuance of any civil action, except in case of proceedings under chapter eighty-four (84) of the general statutes, until the term following that at which the summons shall be returnable, and other continuances may be granted upon sufficient cause shown, and on such terms as shall be just.

Said court shall have authority to provide by rule, that the plaintiff in any civil action, shall by bond, recognizance or deposit of money with the court, give security for costs, in such sum as the court may designate, by such rule, before any summons or other process shall issue in the action, or at any other time.

The counterclaim in the defendant's answer may be such an one as could be interposed in the district court.

SEC. 9. Any creditor desiring to proceed by attachment in said court shall by himself, his agent or attorney, make and file his complaint in writing, and may at the time of commencing the action, or thereafter and while the action is still pending, in like manner file with the court 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 three hundred (300) dollars, with sufficient surety or sureties to be approved by the judge, and similar to the bond required on a like application to the district court.

The writ of attachment may be in any form that the court may by rule prescribe, and shall in all cases be returnable as an ordinary summons; *provided*, that in no case shall it be made returnable more than sixty (60) 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 writ and proceedings in district court. *Provided, however*, that no such attachment shall be levied upon real estate unless the plaintiff's claim shall exceed the sum of fifty (50) dollars exclusive of costs, and *provided, further*, that in all cases where such writ or the summons in such action shall be served upon the defendant personally, judgment may be entered in the action whether an actual attachment be made under said process or not.

Writs of attachment may be vacated by the judge upon proper showing in the same cases and the same manner as in the district courts of this state.

Where the amount of the claim as stated in said affidavit, does not exceed the sum of fifty (50) dollars, such writ may run to and be

served by the marshal (or chief of police) or constable of the city of Owatonna, or the sheriff or any constable of the county.

SEC. 10. When the object of the action is to recover the possession of personal property, the plaintiff, his agent or attorney, shall file with the complaint an affidavit stating the value of such personal property, and execute and file a bond, with one (1) or more sureties to be approved by the judge. If such value as so stated, does not exceed one hundred (100) dollars, said affidavit and bond, and the writ issued thereon shall be similar to the affidavit, bond and writ required in a justice court in a like action, otherwise they shall be as in a district court. The writ shall thereupon be issued by the clerk or judge, and shall be served, and all proceedings thereunder had, where such value does not exceed one hundred (100) dollars, as in justice court; in all other cases as in district courts, except, in either case, as herein otherwise provided.

*Provided*, that at any time after the service of such writ, and before the trial and determination of any issue raised by the pleadings in said action, the defendant or some one in his behalf, may execute to the plaintiff a bond in double the value of the property claimed, with two (2) or more sureties, to be approved by the judge and filed, conditioned as in like cases in the district court; the clerk or judge, shall thereupon issue an order, under the seal of the court, to the officer to re-deliver the property to the defendant, or to the person claiming under him.

SEC. 11. Proceedings against garnishees may be instituted in the same manner as in justice courts, but the garnishee summons may be served either by an officer or other person not interested, at any place within the state of Minnesota; and the summons may be made returnable at any term of said municipal court which may be named therein, not less than six (6) days from the date thereof, and the notice required to be served on the defendant in the action may be signed by the clerk or judge 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. 12. All civil process shall be returned into court by the officer serving the same at least one (1) day before the opening of the term to which the same is made returnable.

At the beginning of each term, or prior thereto, 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 direct the order of trial, and other disposition of causes.

In all civil actions tried by the court without a jury, the judge shall, when requested, make and file separate findings of facts and conclusions of law, and on appeal from the judgment entered therein taken on questions of law only, such judgment may be made to conform to the findings; except in cases which have come before him in said court and in matters or proceedings relating thereto.

Said judge may practice in any of the other courts of this state, and in case of sickness, absence or other cause requiring his absence, he

may procure the judge of probate of Steele county, or any competent and disinterested attorney therein, to act for him. Such probate judge or attorney, so called in, shall have all the powers possessed by the municipal judge in such matter, or during such time as he may, by the written order of such municipal judge, be requested so to act. Prior to the entry of such appointed person upon the discharge of such judicial functions, the judge shall enter a full copy of such order in the records of the court.

SEC. 13. Jurors in said municipal court may be selected, and venires issue therefor, and talesmen be obtained, as in courts of justices of the peace. Such jurors shall be entitled to like fees as in justice courts, except that they shall receive one (1) dollar per day for each day actually occupied, in whole or in part, by the trial and submission of the case to the jury. Said fees shall be taxed as a part of the costs in the case, but a jury fee of one (1) dollar for each juror shall be advanced by the party demanding a jury at the time such demand is made and before the jury is drawn.

Three (3) 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 charge and refusals to charge may be taken, as upon trials in the district court.

When not otherwise provided herein, said municipal court is vested with all the powers which are possessed by the district courts of this state; and all laws of a general nature shall apply to said municipal court so far as the same can be made applicable to, and are not inconsistent with this act.

Jurors in criminal cases shall be entitled to like fees as in civil cases, which said fees shall be taxed as part of the costs in the case.

SEC. 14. Title eighteen (18) of chapter sixty-six (66) of the general statutes of eighteen hundred and seventy-eight (1878), relative to trial by referees, title nineteen (19) of the same chapter, relative to exceptions, and title twenty (20) of the same chapter, relative to new trials, and chapter eighty-four (84) and section four (4) of chapter twenty-seven (27) of said general statutes shall apply to said municipal court and the judge thereof. *Provided*, that motions for a new trial shall be made within ten (10) days after the entry of the verdict, or findings; and in cases tried or decided by the court, the judge may render and file his order or decision within five (5) days after the motion, demurrer, cause or other matter is submitted to him.

SEC. 15. Appeals shall lie from said municipal court to the district court of Steele county, and may be taken in the same cases, within the same time, upon like proceedings and with like effect as provided in cases of appeals from justice courts.

An appeal may also be taken in like manner from an order granting or refusing a new trial, or from an order sustaining or overruling a demurrer. Said district court shall certify its decision on such appeal, taken on law alone, or from an order granting or refusing a new trial, or sustaining or overruling a demurrer, and remand such record to said municipal court. *Provided*, that where the appeal is from a

judgment, the district court shall enter the judgment required by the findings, except it be made to appear that a different result will be reached upon a retrial in the municipal court, or that such retrial is warranted by law. And provided, further, that, upon due application made, with notice, within the ten (10) days allowed for appeal from a judgment, or before further proceedings have been taken in other cases, additional time may be granted in which to prepare a bill of exceptions or case, and in which to perfect an appeal.

In civil cases, not to be tried to a jury in the district court, the appeal may be heard at any general or special term of the appellate court, and appeals on law only, and from orders may be heard at chambers by the district judge on ten (10) days notice.

Costs shall be allowed to the prevailing party on appeal in civil cases, as in appeals from justice courts, but where the appeal is taken from an order, the district court may award costs as may be just not exceeding ten (10) dollars in amount. Judgment shall be entered therein in favor of said party for such costs and for his disbursements on appeal, including the fees, if paid by him, of the clerk or judge of the municipal court for making the return as minuted thereon.

In any criminal case, the defendant, if the judgment below be affirmed in whole or in part, may be required to pay the costs of both courts, including the fees for making the return, which fees in all cases, civil or criminal, shall be minuted thereon and by whom paid; and such fees and all other costs properly accruing to said municipal court, and all fines by it imposed shall, if paid in or collected by means of any proceedings in the district court on appeal, immediately be paid over to the judge of the municipal court.

SEC. 16. Disbursements shall be allowed to the prevailing party in all civil actions in said municipal court, to be taxed on such notice as the court may by rule prescribe. Costs to be taxed as aforesaid, shall also be allowed the prevailing party in civil actions, when he appears by attorney, as follows: To the plaintiff on judgment by default, when the amount of the judgment, exclusive of costs and disbursements, or the value of the property recovered exceeds fifty (50) dollars, five (5) dollars; in other default cases, three (3) dollars. To the plaintiff, on a judgment in his favor after issue joined, when the amount of the judgment, exclusive of costs and disbursements, or the value of the property recovered is less than fifty (50) dollars, three (3) dollars. When such amount or value is not less than fifty (50), nor greater than one hundred (100) dollars, five (5) dollars.

When such amount or value exceeds one hundred (100) dollars, ten (10) dollars.

To the defendant, on dismissal of the action after issue joined and before trial, when the amount claimed by the plaintiff or the value of the property sought to be recovered, as alleged in the complaint, exceeds fifty (50) dollars, five (5) dollars; in other cases of dismissal or discontinuance, three (3) dollars.

To the defendant, on a judgment in his favor after a trial on the merits, when the amount claimed by the plaintiff or the value of the property sought to be recovered, as alleged in the complaint, does not exceed fifty (50) dollars, three (3) dollars.



When such amount or value is not less than fifty (50), nor greater than one hundred (100) dollars, five (5) dollars.

When such amount or value exceeds one hundred (100) dollars, ten (10) dollars.

The disbursements shall be stated in detail and verified by affidavit, which shall be filed.

The party objecting to any item of costs or disbursements shall specify in writing the grounds of objection, and the same in case of an appeal, shall be certified to the appellate court, and the appeal shall be heard and determined upon the objection so certified, and no other.

Attorneys practicing in the municipal court shall be such as have been admitted to practice in the district courts of this state.

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 against the property of the judgment debtor returnable within thirty (30) days.

No execution shall issue after the expiration of the period allowed for appeal from the judgment. Nor shall any such execution upon any judgment for any amount less than fifty (50) dollars exclusive of costs, be levied upon any real property; and any execution running against real property, or issued upon a judgment of more than one hundred (100) dollars shall run to and be served by the sheriff of said Steele county.

Judgments may be stayed in said court as in justice courts.

The provisions for renewals of execution or executions in district court shall apply to this court except that such renewal shall not be made until the fee of twenty-five (25) cents therefor shall have been paid to the clerk or judge, and the life of the execution shall thereby be extended for only thirty (30) days from the date of the renewal.

Every person in whose favor a judgment is rendered in said municipal court for an amount exceeding five (5) dollars besides costs, may upon paying the fee therefor, demand and shall receive from such clerk or judge a transcript of the docket entries of such judgment, duly certified, and may file the same in the office of the clerk of the district court of the county of Steele, who shall file and docket the same as in case of transcripts of judgments from justice courts. Every such judgment shall become a lien upon the real property of the judgment debtor from the time of the filing of such transcript, to the same extent as a judgment of said district court, and shall thereafter be exclusively under the control of said district court, and carried into execution by its process, as if said judgment had been rendered in said district court. *Provided*, that such transcript of a judgment in any action in which a writ of attachment has issued and been levied on real estate, may be filed in the office of the clerk of the county where such real estate is situate, and the lien thereof shall relate to and take effect from the date of said levy of said writ. Such transcript shall not issue while a writ of execution is outstanding in the hands of an officer and a note of the fact that such transcript has been given shall be made in the record of the judgment, and thereafter no writ of execution shall issue upon the same judgment, but a

new transcript thereof may be given in case of the loss of prior ones or otherwise.

SEC. 18. Complaints in criminal cases where the defendant is not in custody, may be made in writing, or reduced to writing by the clerk or judge, and sworn to by the complainant, whether the offense charged be a violation of the criminal laws of this state, or of the ordinances, regulations or by-laws of said city.

A warrant shall issue only upon the order of the judge indorsed upon the complaint.

Complaints, warrants and all other process in criminal cases may follow substantially the forms heretofore in use in justice courts, with such alterations as may be convenient to adapt the same to the style of said municipal court, or may be in such other form as the court shall approve.

In cases where alleged offenders are in custody, and are brought before the court or clerk without process, and entry shall be made in the record of the court, of a brief statement of the offense with which the defendant is charged, which may stand as the complaint unless the defendant demand, or the judge require a formal complaint to be entered.

The plea of the defendant shall be "guilty," or "not guilty."

In case of failure to plead, a plea of "not guilty" shall be entered by the clerk, and a former acquittal or conviction may be proved under that plea.

On the examination of offenders charged with indictable offenses, such minutes of the examinations shall be kept as is required by law or may be directed by the judge, and a proper return thereof shall be made to the court before which the party charged may be bound to appear.

The city attorney of the city of Owatonna shall have charge of all cases before said court for offenses against any ordinance, regulation or by-law of said city, and the county attorney of Steele county shall act in the prosecution of all offenders charged with the violation of any law of this state.

SEC. 19. No salary shall be paid to the judge or clerk of said court, but all fees shall be paid to the judge, which shall be as follows:

For filing a complaint, one (1) dollar, to be paid before the summons issues.

The fee shall be one (1) dollar in each of the following cases, viz: For hearing and deciding every motion for a new trial, every demurrer, and every motion to open a default;

For settling any case or bill of exceptions, fifty (50) cents, and for certifying any return to the district court on appeal, ten (10) cents per folio, unless such return and all necessary copies be made by the appealing party; in which case only the gross fee of two (2) dollars, which shall be paid in every appeal perfected, shall be required.

In other cases the same fees as are allowed by law to justices of the peace for the same or similar services; *Provided*, that in all criminal actions, and in all examinations held by or before said court to inquire into offenses of which said court shall not have final jurisdiction, the fees and costs of court shall be twenty-five (25) per cent.

higher than now allowed to justices of the peace for similar services; *Provided, further*, that in all cases for the violation of any criminal law of this state, the county of Steele shall be held for and shall pay to said judge all fees and costs not collected from the defendant, and that in all cases for the violation of any ordinance, law, regulation or by-law of said city, all fees and costs therein not collected from the defendant, shall be paid to said judge by said city.

SEC. 20. Upon the election and qualification of said municipal judge, all causes and proceedings then pending before the city justice of the city of Owatonna, shall forthwith by said city justice, be transferred to said municipal court, with all papers and records concerning the same, and the said municipal court shall take cognizance of such causes and proceedings, and proceed therein as if the same had been originally commenced in said municipal court.

The dockets, records, files and papers of said city justice shall at once be transferred and turned over to said municipal court, which shall have full jurisdiction to finish and complete all proceedings pending before said city justice, and to enforce, by execution or otherwise, all judgments theretofore rendered by and enforceable in said city justice's court; and such judgments shall stand on the same footing as judgments of said municipal court.

SEC. 21. The municipal court shall be furnished from time to time with all necessary records, judgment books and dockets, and with a seal of said court, by and at the expense of the city of Owatonna.

SEC. 22. That the charter of said city, the same being chapter seven (7) of the special laws of Minnesota for one thousand eight hundred and seventy-five (1875), be and the same is hereby amended as follows, to wit:

By striking out the words, "city justice of the peace" and "city justice," wherever the same appear in section two (2) of article two (2), and in section eleven (11) of article three (3) of said chapter, or elsewhere therein, and inserting in the place of said words, wherever so stricken out, the words "judge of the municipal court"; *Provided, however*, That nothing herein contained shall in any manner affect the power and jurisdiction of said city justice, under said act, at any time prior to the election and qualification of said municipal judge.

SEC. 23. All acts and parts of acts inconsistent with this act, are hereby repealed.

SEC. 24. This act shall take effect and be in force from and after its passage.

Approved March 7, 1889.