

## CHAPTER 18.

[S. F. No. 432.]

AN ACT ENTITLED "AN ACT TO ESTABLISH A MUNICIPAL COURT  
IN THE CITY OF ANOKA, MINNESOTA."*Be it enacted by the Legislature of the State of Minnesota;*

SECTION 1. There shall be established in the city of Anoka, in the county of Anoka, in the state of Minnesota, a municipal court, for the transaction of all business which may lawfully come before it. Said court shall be a court of record, and shall have a clerk and a seal, and shall have jurisdiction to hear, try and determine civil actions at law where the amount in controversy does not exceed one hundred (100) dollars, excepting causes involving title to real estate. It shall also have exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases arising or triable within the city of Anoka, heretofore cognizable before a justice of the peace or city justice, and also of all civil actions and proceedings heretofore cognizable before a justice of the peace or city justice.

It shall not have jurisdiction of actions for divorce, nor of any action where the relief asked for in the complaint is purely equitable in its nature.

Where no provision is otherwise made in this act, said municipal court is vested with all the powers which are possessed by the district courts of the state, and all laws of a general nature apply to said municipal court, so far as the same can be made applicable, and not inconsistent with this act, and the jurisdiction of said court shall be coextensive with the limits of said county of Anoka.

SEC. 2. The qualified electors of said city of Anoka shall, at the general city election to be held on the first (1st) Tuesday of April, A.D. one thousand eight hundred and eighty-nine (1889), and on the day of the general city election every second (2d) year thereafter, elect a suitable person, with the qualifications hereinafter mentioned, to the office of judge of said municipal court, who shall hold his office for the term of two (2) years and until his successor shall be elected and qualified. In case of any vacancy in the office of municipal judge, the governor of the state of Minnesota shall appoint some qualified person to fill said office until the next annual city election, when a judge shall be elected for a full term of two (2) years.

SEC. 3. The judge of said municipal court shall be a resident of the city of Anoka, and a person learned in the law, and duly admitted to practice as an attorney in the courts of this state. Before entering upon the duties of his office he shall take and subscribe an oath prescribed in the general statutes for judicial officers; which oath shall be filed in the office of the city clerk of said city.

He shall have the general powers of the judges of the courts of record, and may administer oaths, take and certify acknowledgments in all cases, and, as a conservator of the peace, shall have all power and authority which is or may hereafter be vested in justices of the peace or any other judicial officer. There shall be one special judge

of said municipal court, whose manner of election, term of office, powers and qualifications shall be the same as those of municipal judge, and his successors shall be elected and vacancies in his office filled in like manner. Said special judge, before entering upon the duties of his office, shall take and subscribe an oath, as prescribed in the general statutes for judicial officers; which said oath shall be filed in the office of the city clerk of said city.

SEC. 4. The municipal judge of said city shall be "ex officio" clerk of said municipal court, and the special judge, while acting as judge of said court, as hereinafter provided, shall be "ex officio" clerk of said municipal court.

Such municipal judge and such special judge, before they enter upon the duties of their office, shall each, in addition to the oath hereinbefore provided, execute to the city of Anoka a penal bond, in such sum and with such sureties as the city council shall direct and approve, conditioned that he will account to and pay over to the treasurer of said city, on the first Monday of every month, all fines, penalties and other moneys belonging to or to go to said city, which may have come into his hands during the month next preceding, and that he will at all times pay over to all other persons, on demand, all moneys to which they may be entitled, which may have come into his hands in virtue of or by reason of his office, and that at the end of his term of office he will forthwith pay over to the city treasurer of said city all other moneys to which said city shall then be entitled, and to his successor in office all other moneys then remaining in his hands, and which shall have come into his hands by reason of his office; such bonds shall be filed in the office of the city clerk of said city.

SEC. 5. The said special judge shall not in any manner preside over said municipal court, nor issue any summons nor process of any kind nor perform any of the duties of municipal judge, except as follows: In the case of sickness or absence or other disability of the municipal judge, the said special judge may and is hereby authorized and empowered to hold said municipal court and perform all the duties and exercise all the functions of municipal judge, and said judge may, upon the request of the municipal judge, act as the judge of said municipal court on the trial of any particular case pending therein.

SEC. 6. The municipal court shall have full power and authority to issue all process, civil and criminal, necessary or proper to carry into effect the jurisdiction given to it by law, and its judgments and other determinations, and it shall have and possess all the powers usually possessed by courts of record at common law, subject to modifications of the statutes of this state applicable to courts of record, except that it shall not have jurisdiction to issue writs of habeas corpus, quo warranto, ne exeat, mandamus, prohibition or injunction.

All process shall be issued by the judge under the seal of the court, and be signed by the judge [except during the absence, sickness, or other disability of said judge], with the following words after his signature: "Judge of the municipal court, ex officio clerk." And whenever any process is issued by the special judge, said process shall be signed by said special judge, with the following words after his signature: "Special judge of the municipal court

ex officio clerk." And the forms of process may be prescribed by the court by rule or otherwise, and any form so prescribed shall be valid and sufficient, and such forms may be changed by the court from time to time. In the absence of such prescribed forms, the forms of process in use in either the courts of record in this state, or by justices of the peace may be changed and adapted to the style of said municipal court and used at the discretion of the court or judge.

Process may be directed for service to any police officer of the city of Anoka, or to the sheriff or any constable of said county.

SEC. 7. The municipal court shall be held in the city of Anoka, 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, 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 the violation of the criminal laws of this state committed within the county of Anoka, or of the ordinances, laws, regulations, or by-laws of said city of Anoka. The municipal judge shall keep a record of all proceedings and enter all orders, judgments and sentences, and issue commitments and executions as well as all other process.

SEC. 8. The municipal judge shall have the care and custody 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 and do all other things and acts necessary or proper to the enforcing and carrying out of the jurisdiction of said 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 witnesses 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 Anoka all moneys so received, or proper vouchers therefor, as herein provided, with detailed accounts thereof, and take his receipt therefor. The said municipal judge shall also make detailed monthly reports of all persons who are committed to the jail of Anoka county under sentence of said municipal court, and of all who are committed, in default of bail, to await the action of the grand jury, and of all who are committed to the city prison of the city of Anoka for the violation of any of the ordinances, laws, regulations or by-laws of said city of Anoka, to the city council of said city, on or before the last Monday of each month, and shall show the name of every person committed during the month for which said report is made 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 laws of this state, or under the ordinances of said city, and shall also show the names of all persons discharged from said county jail or city

prison since the last report, by order of said municipal court, the cause of such discharge and the date thereof.

In all cases where the judge of said 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 jailor, of a written transcript of said order under the seal of said court, which transcript, in case of the payment of a fine, shall not be issued or given until the actual payment to the judge of said court of the amount of the fine so paid.

The sheriff of said Anoka county shall be held strictly accountable for a breach of duty, if in any of the above named cases a prisoner be released without the presentation of the written evidence above required.

SEC. 9. The municipal court shall hold regular terms for the trial of civil actions, on the first (1st) and third (3d) Tuesday of every month, which term shall continue from day to day, with such adjournment as to the court may seem proper until the business of such 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 the 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 to serve a copy of his answer on the person whose name is subscribed to the summons, and a place within the state therein specified, in which there is a post-office, within ten (10) days after the service of such summons, exclusive of the day of service. It shall not be necessary for a party to set forth in 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 be precluded from giving evidence thereof, and the court or judge 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), twenty-three (23), of chapter sixty-six (66), general statutes of eighteen hundred and seventy-eight (1878), and the acts amendatory thereto, so far as the same may be applicable, except that the time for serving any pleadings subsequent to the complaint shall be ten (10) days.

No officer nor any other person 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 endorse the fact of such filing upon the back of said summons or process.

Whenever any such summons or process or paper in any civil action shall have been delivered to any person 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 this state, subject to such modifications as the court may by rule prescribe.

The court may for good cause, in its discretion, and on such terms as may be just and equitable, open any default at the same term at which it occurred, or within the next term thereafter, or allow any amendment of any pleading at any time during the trial of an action, 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.

In civil actions the following costs shall be taxed :

In favor of the plaintiff, upon a default by defendant when the amount of the judgment is less than fifty (50) dollars, three (3) dollars. To defendant, upon a dismissal when the amount claimed in the complaint is less than fifty (50) dollars, three (3) dollars. In other cases, of a dismissal or judgment on default, to the prevailing party, the sum of five (5) dollars. Upon a trial on the merits, costs shall be taxed in favor of the prevailing party in the sum of ten (10) dollars in all cases where the amount in controversy exceeds twenty-five (25) dollars ; when the amount in controversy is less than twenty-five (25) dollars, the prevailing party shall have taxed in his favor, as costs, five (5) 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 the 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 shall be heard and determined upon the objection so made and none other.

SEC. 10. Any creditor desiring to proceed by attachment in said court may, at the time of commencing the action, or thereafter and while said action is pending, by himself, his agent or attorney, make and file with the clerk an affidavit similar to the affidavit required by law in an application for a writ of attachment in the district courts of the state, or in justices' courts ; and also cause to be filed a bond, with sufficient surety to be approved by the judge, and similar to the bond required on a like application in the district courts of the state, or in justices' courts, except the limit of liability thereon shall be mentioned therein as not exceeding two hundred (200) dollars.

The writ of attachment may be in form as follows :

State of Minnesota, } City of Anoka,  
County of Anoka. } ss. Municipal Court.

The State of Minnesota to any police officer of the city of Anoka, or to the sheriff or any constable of said county :

You are hereby commanded to attach the goods, chattels, moneys, effects and credits of.....or as much thereof as shall be sufficient to satisfy the sum of.....with interest and costs of suit, in whosoever hands or possession the same may be found, in said county of Anoka, and so provide that the same may be subject to further proceedings, as the law requires, and make due return of this writ.

Witness the Honorable.....  
Municipal Judge, this....day of.....A. D. 18...  
[L.S.] .....

Judge of the Municipal Court,  
Ex-officio Clerk.

or the writ may be in any other form that the court may by rule prescribe.

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 the district courts of the State or in justices' courts.

SEC. 11. When the object of an action is to recover the 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 courts of the state, or in justices' courts in a like action.

The plaintiff, or some person in his behalf shall execute a bond with surety to be approved by the judge conditioned similar to bonds in such actions in the district courts of the state, or in justices' courts, and file such bond: And an action may be maintained on such bond as upon similar bonds filed in like actions in the district courts of the state, of in justices' courts.

The clerk shall thereupon issue the writ, which may be in form as follows :

State of Minnesota, } City of Anoka,  
County of Anoka. } ss. Municipal Court.

The State of Minnesota to any police officer of the city of Anoka, or to the sheriff or any constable of said county :

Whereas.....complains that.....has become possessed of and unjustly detains from....the said.....the following described goods and chattels, that is to say.....

Therefore, you are hereby commanded that you cause the same goods and chattels to be replevined without delay, or, in case the defendant or some one in his behalf does not file a bond in this court for the delivery of such property, as provided by law, approved by said court, within three (3) days from said taking, then deliver to said

.....

Witness, the Honorable.....  
 Municipal Judge, this....day of.....A. D., 18..  
 [L. S.] .....

Judge of the Municipal Court,  
 Ex-officio Clerk.

SEC. 12. Notices of trial shall be served as in the district courts of the state, at least (5) days before the term, and notes of issue as required in the district courts of the state, shall be filed with the clerk at least one (1) day before the term.

The clerk of the court shall, prior to each term of the court, make up a calendar of the causes which will come up for trial or for any disposition before the court at such term, adopting such arrangement as the judge may direct, and the court shall direct the order of trial and other disposition of causes.

Trial by jury in the municipal court shall in all respects be conducted as in the district courts of this state, and all laws of a general nature applicable to jury trials in said district courts shall apply to said municipal court, save as otherwise herein expressly provided.

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 Anoka, the city clerk and the chief of police of said city, shall, on the first (1st) Monday in June, October and February, in each year, at the office of said city clerk, meet and from the legal voters of said city select and designate forty-eight (48) legal voters having the qualifications of jurymen as prescribed by the general statutes, and residents of said city, as the jurors of said municipal court to serve therein when required and drawn, during the succeeding four (4) months and until their successors are selected and certified; and shall thereupon certify said names so selected, to the judge of said municipal court, who shall thereupon write said names upon separate ballots, and place the same in a box; and whenever a jury is required in said court, the judge of said court or the special judge, if he is presiding at the trial in which said jury is required, shall direct the officer who may be in attendance on said trial, to draw by lots six (6) or twelve (12) ballots as the case may require, the persons named upon which shall, if practicable, be summoned to attend at the trial of the cause wherein they were drawn; and the first six (6) or twelve (12) as the case may be, so summoned and attending shall constitute the jury unless some of said jurors shall be challenged or excused, in which case the judge presiding at such trial may direct the officer who summoned such jury to summons talesmen until the full number of six (6) or twelve (12) legally qualified jurymen are obtained, as the case may require. Until a list of jurors has been selected and certified as above herein provided, juries shall be impanelled as now provided for in justices' courts.

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. And the first, second and every succeeding series of such ballots, each so drawn, shall not be returned to said box until

the last series of such ballots shall have been drawn from said box. And whenever deemed necessary, said court shall have power to issue a special venire. Jurors so summoned and attending aforesaid, in said municipal court, in the trial of any action, shall receive for their services one (1) dollar per day, and shall be paid out of the county treasury of said county of Anoka.

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 on 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 calendar on the first day of the term at which the same is set for trial, it shall be considered to be, and the same shall be waived and said action shall be tried by the court.

SEC. 14. An appeal may be taken from said municipal court either to the district court of Anoka county or to the supreme court of Minnesota, as the party appealing may elect.

When an appeal is taken to said district court it shall be for like causes and all proceedings therefor and therein shall be as now provided for appeals from justices' courts.

When an appeal is taken to the supreme court, like proceedings shall be taken and had as upon appeal from a district court.

When a motion for a new trial is made upon the minutes of the judge, it may be heard at the term of the court next succeeding the term at which the trial is had or the verdict or decision rendered.

SEC. 15. 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 days of said court, and chapter eighty-four (84) of the general statutes and the acts amendatory thereof 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 form as follows:

State of Minnesota,	} ss.	Municipal Court,
County of Anoka.		City of Anoka.

The state of Minnesota to any police officer of the city of Anoka, or to the sheriff or any constable of the county aforesaid.

WHEREAS,.....hath filed in the office of the clerk of the above named court, a complaint against..... of the county of Anoka and state aforesaid; for that the said..... now does at..... in said Anoka county, wrongfully and unlawfully detain from the said.....complainant, the possession of the following decribed premises, lying and being in the county of



Anoka, aforesaid, viz:.....

WHEREFORE,.....complainant 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 are hereby commanded to summon the said..... if to be found in said county, to appear before said court, at the municipal court room in the city of Anoka, in said county of Anoka, on the.....day of..... A. D., 18...., at.....o'clock in the.....noon, then and there to make answer to and defend against the said.....complainant aforesaid, and further to be dealt with according to law, and make due return to the said court of the summons with your doings thereon.

Witness the Honorable.....Municipal Judge at the city of Anoka, Minn., this.....day of.....A. D., 18....

[L. S.] .....

Judge of the Municipal Court,  
Ex-officio Clerk.

SEC. 16. No judgment rendered in said municipal court shall attach as a lien upon real estate until transcript thereof shall be filed in the district court as hereinafter provided.

But writs of execution thereon, in civil actions may issue against the goods and chattels of the judgment debtor, returnable within thirty (30) days, as in justices' courts.

Every person in whose favor a judgment is rendered in said municipal court, for an amount exceeding ten (10) dollars besides costs, may upon paying the fees therefor and all unpaid fees payable to the clerk in such action, demand and shall receive from such clerk, a transcript of such judgment duly certified, and may file the same in the office of the clerk of the district court of Anoka county, who shall file and docket the same, as in case of transcripts from courts of justices of the peace.

And every such judgment shall become a lien on the real estate of the debtor, from the filing of such transcript, to the same extent as a judgment of the district court, and shall thereafter be exclusively under the control of said district court, and carried into execution by its process, as if rendered in said district court.

The clerk of said municipal court shall not issue such transcript while a writ of execution is outstanding in the hands of an officer or otherwise, and shall note on the record of such judgment the fact that such transcript has been given, and shall not thereafter issue any writ of execution on the same judgment, but may at any time, give to the same party or his representatives a new transcript of such judgment in case of the loss of the transcript first given.

SEC. 17. Proceedings against garnishees may be instituted in the same manner as in the district courts of the state, or in justices' courts but the summons may be served either by an officer or any indifferent person, at any place within the state of Minnesota, and the service shall in all cases be personal.

The summons shall require the garnishee to appear before the said court, or the judge thereof, at a time and place mentioned therein, not less than ten (10) days nor more than thirty (30) days from the service thereof, and answer touching his indebtedness to the defendant or any property, money or effects of the defendant in his possession or under his control. And the summons may be made returnable at any term of said municipal court which may be named therein, to be held within thirty (30) days from the date thereof, and the notice required to be served on the defendant in the action may be signed either by the clerk of said court or the person who served the garnishee summons, or by the plaintiff or his attorney, and shall be served on the defendant at least three (3) days before the time specified in the same 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 the district court.

SEC. 18. Complaints in criminal cases may be made to the clerk when the court is in session, or to the judge or clerk, when not in session; and shall be made in writing or reduced to writing by the judge or clerk, and sworn to by the complainant, whether the offence charged be a violation of the criminal laws of the state or of the ordinances, regulations or by-laws of the city.

And the clerk, as well as the judge is hereby made a conservator of the peace, and vested with the same authority, discretion and power to act in receiving complaints and issuing the warrants of said court in criminal cases.

And complaints, warrants and other processes in criminal cases may follow substantially the same forms heretofore in use by justices of the peace, with such alterations as may seem convenient to adapt the same to the style of said municipal court.

In cases where alleged offenders shall be in custody and brought before the court or clerk without a process, the clerk shall enter upon the records of the court a brief statement of the offence with which the defendant is charged, which shall stand in the place of a complaint unless the court shall direct a formal complaint to be made.

The plea of the defendant shall be "guilty or not guilty." In case of failure to plead, the clerk shall enter a plea of not guilty, and a former acquittal or conviction for the same offence may be proved under that plea as well as if formally pleaded.

In the examination of offenders charged with indictable offences, the clerk shall keep minutes of the said examination and shall make the proper return of such examination to the court before which the party charged with the offence may be bound to appear.

In case where the offence charged is bastardy, proceedings shall be near as may be substantially as provided in chapter seventeen (17) general statutes of the year one thousand eight hundred and seventy-eight (1878.)

SEC. 19. It shall be the duty of the chief of police of said city of Anoka, 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 any 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 like services in justices' courts, and all fees so charged by any police officers shall be collected by the clerk as costs, and by him accounted for and paid over to the city treasurer of said city, as hereinafter provided.

All witness fees collected by the clerk and not paid to witnesses shall be paid to the city the same as other fees accruing to the city.

The municipal court is hereby authorized to require a deposit of a sum not exceeding three dollars (\$3) to be made before the commencement of any civil action, to secure the costs of said action, and all balances of costs so deposited remaining in the hands of said clerk for one (1) month after the termination of any action or for a like period after an abandonment, or of a failure to prosecute the same, and all other deposits of money arising from bail bonds, recognizances and payment of penalties therein or otherwise shall be paid over to the city on the last Monday of the month following.

SEC. 20. It shall be the duty of the mayor and chief of police of said city, to see that a sufficient number of police officers are always in attendance upon said court and in readiness to obey its mandates and serve its process and preserve order in its proceedings.

Police officers of said city shall hereafter receive for their services no other compensation than the salary paid them by said city, and if any fee, gratuity or reward shall be paid to any police officer for any service, he shall forthwith pay the same over to the clerk of said municipal court for the use of said city, and the failure to do so shall be a misdemeanor punishable by a fine not exceeding one hundred (100) dollars or by imprisonment not exceeding thirty (30) days.

And it shall be the duty of the chief of police or any official of said city who may have knowledge of such failure to pay over said fees, to forthwith cause complaint to be made against such police officer.

*Provided*, that this section shall not be so construed as to require any officer or officers so to pay over such fees in cases in which said officers being regularly or specially appointed, designated or detailed for detective duty, and being in pursuit of any person or persons charged with any crime or misdemeanor, shall under the advice or with the consent of the county attorney of the county of Anoka, or the city attorney of the city of Anoka, pursue said alleged offender or offenders beyond the limits of said city of Anoka, in which event said officer or officers shall be entitled to receive for his or their use and benefit all fees for such pursuit and all rewards offered for the apprehension of such offender.

SEC. 21. In case it shall appear from the evidence upon the trial of any cause that the title of real estate is involved in the action, the municipal court shall not proceed further therein, but shall transfer the action to the district court of said county, and the cause shall be proceeded with in the court to which it shall be transferred as if originally commenced therein.

SEC. 22. Within ninety (90) days after the appointment and qualification of said municipal judge, all dockets, records, files and papers in the custody of any and all city justices of said city shall be trans-

ferred and turned over to said municipal court, which shall have full jurisdiction to finish and complete all proceedings then pending before any city justice of said city, and to enforce by execution or otherwise, all judgments theretofore rendered by any city justice within the present city of Anoka, and such judgments shall stand on the same footing as judgments of said municipal court.

And after the appointment and qualification of said municipal judge no justice of the peace or city justice within the city of Anoka shall issue any process, nor take cognizance of any action or proceedings, civil or criminal, save such as may be then pending in his court, but the jurisdiction of said municipal court, shall, within said city, be exclusive in all cases heretofore cognizable before justices of the peace or city justices, except that this act shall not affect the jurisdiction of any court of record having general jurisdiction, such as is conferred upon the district court.

SEC. 23. At any stage of any prosecution for a violation of any state law, or of any provision of this act, or of any ordinance, by-law or regulation of said city, the court may require the defendant to give bond in a sum not exceeding two hundred (200) dollars, conditioned that he will abide the final determination of such proceeding, and in default of such bond said party may be committed to the jail of Anoka county or to the city jail for a term not exceeding ninety (90) days or until such bond is forthcoming. In lieu of such bond, the party so required to give bond may deposit a sum of money with the court, which, in case of his default shall be forfeited to said city of Anoka.

SEC. 24. Whenever both parties to a civil action shall consent thereto in open court, a jury of six shall be impanelled for the trial thereof upon the same proceedings as are now provided in such cases in justice court.

SEC. 25. In all criminal cases tried in said court, in which the defendant is convicted, the clerk shall tax, as costs of court, and if not paid, the same shall be entered up in the judgment against such persons, the following sums, viz: In cases where no warrant issued, and defendant upon arraignment pleaded guilty, two (2) dollars; in cases where a warrant has been issued and the defendant pleads guilty, two (2½) dollars and a half; in cases where the defendant pleads not guilty and is tried by the court, three (3½) dollars and a half; in cases where the defendant is tried by a jury five (5) dollars. Such sums in all cases are to be in addition to all other costs taxed in such cases, and turned into the city treasury.

SEC. 26. In all proceedings had in said municipal court, the following fees shall be charged and collected by the municipal judge or clerk, and as for the compensation of the municipal judge, and said fees may be taxed in all cases where applicable:

For summons, warrant or subpoena, thirty-five (35) cents.

For a venire for a jury, thirty-five (35) cents.

For a warrant in a criminal case, thirty-five (35) cents.

Taking a recognizance of bail, thirty-five (35) cents.

Administering an oath, twenty-five (25) cents.

Certifying the same, when administered out of court, twenty-five (25) cents.

For a writ of attachment, thirty-five (35) cents.

Entering a judgment, thirty-five (35) cents.

Every adjournment, twenty-five (25) cents.

Every bond, recognizance or security directed by law to be taken and approved by the judge of court, thirty-five (35) cents.

Taking an examination, deposition or confession, or entering any cause in docket, per folio, fifteen (15) cents.

For copy of proceedings, or of any paper or examination in any case when demanded; per folio, fifteen (15) cents.

Entering a satisfaction of judgment, twenty-five (25) cents.

Issuing commission to take testimony, fifty (50) cents.

Entering any order or exception thereto, ten (10) cents.

Entering amicable suit without process, thirty-five (35) cents.

For a transcript of judgment, thirty-five (35) cents.

Opening a judgment for rehearing, thirty-five (35) cents.

Filing every paper required to be filed, five (5) cents.

Issuing notice to take deposition, thirty-five (35) cents.

Taking recognizance, certifying oath or affidavit, and making return to district or supreme court, fifteen (15) cents per folio.

For search warrant, thirty-five (35) cents.

For commitment to jail, thirty-five (35) cents.

For an order to bring up prisoner, thirty-five (35) cents.

For an order to discharge prisoner, issued to jailor, thirty-five (35) cents.

Discharging a prisoner after hearing a motion to discharge, twenty-five (25) cents.

For an execution, thirty-five (35) cents.

For every other writ not herein enumerated, thirty-five (35) cents.

For every affidavit or other paper drawn by the judge or clerk for which no other allowance is made by law, per folio, fifteen (15) cents.

Taxing costs, twenty-five (25) cents.

For marrying and making return thereof, three (3) dollars, and such other sum as may be allowed by the party making the application.

Holding an inquisition, in cases of forcible entry and detainer, in addition to other fees, one (1) dollar.

Taking and certifying the acknowledgment of a deed, for each grantor named therein, twenty-five cents.

For traveling to perform any duty, when not otherwise provided for, and such travel is necessary, going and returning, per mile, ten (10) cents.

For charging jury in said court, one (1) dollar.

SEC. 27 The city attorney shall appear for the city, and prosecute all actions wherein said city is a party, in said municipal court.

SEC. 28. Neither the judge nor special judge of said municipal court shall receive any other compensation as such officers, than the fees herein prescribed.

SEC. 29. This act shall take effect and be in force from and after the fifteenth (15th) day of April, A. D. one thousand eight hundred and eighty-nine (1889).

Approved March 20th, 1889.