

such street or alley, and in default of such payment to provide for the assessment of such proportionate share against such lots or lands to be collected as other taxes are collected.

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

Approved April 20, 1917.

CHAPTER 407—H. F. No. 162.

An act to amend Sections 2 and 6 of Chapter 34, Special Laws of 1889, and Sections 14 and 20 of Chapter 34, Special Laws of 1889, as amended by Chapter 20 of the General Laws 1909, relating to the municipal court of the city of Minneapolis.

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

Section 1. **Municipal court of Minneapolis given jurisdiction of actions of forcible entry and unlawful detainer.**—That section 2, of chapter 34 of the Special Laws of 1889 be amended so as to read as follows:

Section 2. There shall be established in the city of Minneapolis, in the county of Hennepin, 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 the sum of *one thousand* dollars, excepting causes involving title to real estate. *Provided, however, that said court shall have jurisdiction of actions of forcible entry and unlawful detainer whether involving the title to real estate or not.* 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 Minneapolis, heretofore cognizable before a justice of the peace. 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 the provisions of this act, and the jurisdiction of said court shall be coextensive with the limits of said Hennepin county.

Sec. 2. **To punish for contempt of court by fine of \$100 or 90 days in workhouse.**—That section 6 of chapter 34 of Special Laws of 1889 be amended so as to read as follows:

Section 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 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 have power to punish for contempt of court by a fine not exceeding one hundred dollars or by imprisonment in the county jail or city workhouse not exceeding ninety days.*

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 of the Municipal Court."

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 from time to time by court. 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 adapted to the style of the court and used at the discretion of the court or clerk. Process may be directed for service "To any police officer of the city of Minneapolis, or to the sheriff or any constable of said county."

Sec. 3. **Reports, appeals, new trials and forcible entry.**—That section 14 of chapter 34 of the Special Laws of 1889 as amended by section 5 of chapter 20, General Laws, 1909, be amended so as to read as follows:

Section 14. Section 89, of chapter 5 of the Revised Laws, 1905, relative to the reporter of the supreme court and the distribution of the supreme court reports, shall apply to judges of the said municipal court. And all causes may be removed from said municipal court to the supreme court of the state of Minnesota in the same manner, and upon like proceedings, and with like effect, as from district court. Provided, however, that when a motion for a new trial is made upon the minutes of the judge or upon the minutes of the stenographic reporter, where there is such a reporter, it may be heard at the term of court next succeeding the term at which the trial is had, or the verdict or decision rendered. And said municipal court shall have jurisdiction of action of forcible entries and unlawful detainers *whether involving the title to real estate or not* and may fix return days for such actions on other than the regular return days of such court; and chapter 76 of the Revised Laws of 1905, relative to the forcible entries and unlawful detainers, shall apply to said municipal court, and the summonses issued by the clerk in such actions may be in form as follows:

State of Minnesota

) ss.

Municipal Court.

County of Hennepin.

City of Minneapolis.

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

Whereas _____ of _____ has filed in the office of the clerk of the above named court a complaint against _____

of the county of Hennepin and state aforesaid, for that the said _____ does now at _____

_____ in said Hennepin county, wrongfully and unlawfully detain from the said _____

complainant, the possession of the following described premises lying and being _____ in the county of Hennepin 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 Minneapolis in said county of Hennepin, on _____ the _____ day of _____ A. D. 19____ at _____ o'clock in the _____ noon, then and there to make answer to and defend against the _____ complainant aforesaid, and further to be dealt with according to law, and make due return to said court of the summons with your doing thereon.

Witness the honorable _____ municipal judge, at the city of Minneapolis, this _____ day of _____ A. D. 19____.

Clerk of the municipal court.

(L. S.)

Whenever a duly verified complaint in an action of forcible entry and unlawful detainer shows one of the causes of action set forth in section 4038, Revised Laws, 1905, and on the return day of the summons the defendant does not appear, the judge shall, upon proof of the due service of summons, enter an order adjudging the defendant to be in default, and thereafter the clerk shall enter judgment for the plaintiff without the introduction of evidence.

Sec. 4. Who may preside in case of illness of municipal judge and provision for transfer of causes to district court.—That section 20 of chapter 34 of the Special Laws of 1889 as amended by

section 7, of chapter 20, General Laws 1909, be amended so as to read as follows:

Section 20. In the case of sickness or absence of any judge of the municipal court, either of the judges of the district court for the county of Hennepin, may, and hereby is authorized and empowered to hold said municipal court, and perform all the duties and exercise all the functions of municipal judge, and either of said judges of said district court may, upon request of a municipal judge act as the judge of said municipal court, in the trial of any particular cases pending therein.

In case it shall appear from the evidence of either party upon the trial of any cause, that the title to real estate is involved in the action *except forcible entry and unlawful detainer actions*, 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.

Approved April 20, 1917.

CHAPTER 408—H. F. No. 466.

An act to amend Chapter 282 of the Session Laws of Minnesota for 1915 defining legal fences.

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

Section 1. **One barbed wire permitted with woven wire as a legal fence.**—That chapter 282 of the Session Laws of Minnesota for 1915 be and the same is hereby amended to read as follows:

2749. All fences consisting of not less than 32-inch woven wire and two barbed wires firmly fastened to well set posts not more than one rod apart, the first barbed wire being above and not more than 4 inches from the woven wire and the second barbed wire being above and not more than 8 inches from the first wire; all fences consisting of not less than 40-inch woven wire and one barbed wire firmly fastened to well set posts not more than one rod apart, the said barbed wire being above and not more than 4 inches from the said woven wire; all fences consisting of woven wire not less than 48 inches in height, *and one barbed wire not more than 4 inches above said woven wire* firmly fastened to well set posts not more than one rod apart; all fences consisting of not less than four barb wires with at least forty barbs to the rod, the wires to be firmly fastened to posts not more than one rod apart, the top wire to be not more than 48 inches high and the bottom wire not less than twelve inches nor more than sixteen inches from the ground; and all fences consisting of rails, timbers, wires, boards, stone walls or any combination thereof or of streams, lakes, ditches, or hedges,