

to maintain and support said paid fire department, the common council shall elect all the officers and members of said department, provide their compensation, and shall establish by ordinance or resolution, such rules, regulations and by-laws as will ensure an efficient and faithful paid fire department.

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

Approved March 3, 1876.

CHAPTER CCXI.

AN ACT TO AMEND THE ACT RELATING TO THE MUNICIPAL COURT OF THE CITY OF ST PAUL, APPROVED MARCH 8th, 1875.

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

SECTION 1. That section three (3) of the act entitled, "an act to amend an act entitled an act to reduce the law incorporating the city of St. Paul, in the county of Ramsey, state of Minnesota, and the several acts amendatory thereof, and certain other acts relative to said city into one act and to amend the same," approved March 8th, A. D. 1875, be and the same is hereby amended by adding to said section, the following; *Provided however,* That in actions for the recovery of money only, when the amount demanded in the plaintiff's complaint exceeds the sum of one hundred dollars and not more than two hundred dollars, the said municipal court shall have in such case concurrent jurisdiction with the court of common pleas of Ramsey county, and the summons in such action may be served and returned in the same manner that like process is by law now authorized to be served and returned, issued out of said court of common pleas and with like force and effect, and the defendant in such cases shall be allowed twenty days from the time of the service of the summons upon him to make and file his answer in said court.

SEC. 2. Section seven of said act is amended so as to read as follows:

Sec. 7. There shall be a clerk of said municipal court who shall be appointed by the judge of said court, and the judge shall have power to remove said clerk at pleasure, or he may be removed by a two-thirds vote of the whole number of aldermen elected to the city council. Such clerk before he enters upon the duties of his office, shall take and subscribe an oath to support the constitution of the United states and of the state of Minnesota, and to faithfully and honestly discharge and perform the duties of his office, and shall execute to the city of St. Paul a penal bond, in such sum and with such sureties as the council shall direct and approve, conditioned that he will account to and pay over to the treasurer of said city, on the first Tuesday of every month all fines penalties, fees, 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 or by reason of his office, such oath and bond shall be filed in the office of the city clerk of said city, such clerk shall have power to appoint, subject to the approval of the judge, a deputy clerk with the like powers of the clerk, and the said deputy clerk shall take a similar oath, and execute a similar bond to that of the clerk, which oath and bond shall be filed in the office of the city clerk, such deputy clerk shall receive compensation at the rate of not exceeding six hundred dollars per annum, to be paid out of the compensation allowed by law to said clerk.

SEC. 3. That section ten (10) of said act be amended by striking out the word "Monday" in the fourth line from the end of said section, and inserting in place, thereof the word "Tuesday."

SEC. 4. That section eleven of said act is amended by striking out all before the words "The form of the summons may be as follows," in the 11th line of said section and insert the following. "The municipal court shall hold regular terms for the transaction of civil business and trial of civil actions on each Tuesday in every month, which terms shall continue from day to day, with such adjournments as the court shall deem proper, until the business of such term shall be finished, and all civil actions for the recovery of money only shall be commenced by summons or writ of attachment or other process to be issued by the clerk, and all proceedings under the provisions of chapter 84 of general statutes and all civil process shall be made returnable at 10 o'clock in the forenoon of one of said terms."

SEC. 5. That section twelve of said act is amended by striking out the words "In all other respects the service of the writ or other proceeding therein shall be similar, as near as may be, to the service of such writ and proceedings in justice court; *Provided, however,* That in all cases where such writ 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," and inserting the following. "All writs of attachment for any cause shall be made returnable at a regular term of said court within not less than six nor more than twenty days from the service of such writ; *Provided, however,* That in all cases where such writ shall be served on the defendant personally judgment may be entered in said action whether personal property be actually attached by virtue of said process or not, and attachments may be dissolved by defendant giving bonds as provided in like actions before justices of the peace, or the same may be vacated in the same manner as in the district court."

SEC. 6. Section fifteen of said act is hereby amended so as to read as follows:

Sec. 15. The judge and clerk of said court, in connection with the mayor and city attorney, shall immediately after the passage of this act, and in the month of January annually thereafter, select from the qualified electors of said city at large, two hundred persons properly qualified to serve as petit jurors, and shall make a list thereof signed by them, and such list shall be filed by the clerk of said court, and the clerk shall prepare separate ballots containing the names of the persons

so selected and shall fold and deposit the same in a box kept for that purpose, and whenever a jury of six or twelve persons is demanded by either party to a civil action, the clerk shall draw from such box the number of persons so required, and issue a venire therefor, and talesmen may be selected as in justice courts, but no person shall be required to serve as a juror in said court oftener than once in every month, the jury shall be sworn as in the district court, and the functions of judge and jury in the trial of causes shall be the same as in the district court, and exceptions to the rulings and decisions of the judge and his charges and his refusals to charge may be taken as upon trials in the district court, and said court is vested with all the powers which are possessed by district courts in this state, and all laws of a general nature apply to said municipal court so far as the same can be applicable and not inconsistent with the provisions of this act, jurors in said municipal court shall be entitled to like fees in the trial of civil actions as jurors in justices court, but the party demanding a jury in any civil action shall be required to advance the fees for such jury and the summoning thereof before the venire shall issue.

SEC. 7. That section sixteen of said act is amended by striking out the words "forthwith without notice" in the seventh line of said section and inserting the words "upon two days notice in writing served upon the opposite party, giving therein the items asked to have allowed," and by further amending said section by striking out the words "to the plaintiff upon a judgment in his favor, five dollars," in the seventh and eighth lines, and by further amending the same by adding to said section the following, to wit: "*And provided however,* That the amount of the fees of the clerk of said court in any civil case including the entry of judgment and the writ of execution therein shall not exceed three dollars, that the plaintiff upon commencing an action in said municipal court, and the appellant or party procuring the transfer of any action from a justice's court upon filing the transcript of appeal or other papers, shall pay to said clerk two dollars on account of his fees and such additional sums from time to time, not exceeding three dollars in any one action, as may be required in payment of clerk's fees in advance or at the time of rendering the required service, anything in this act or in the rules of said court to the contrary notwithstanding.

SEC. 8. That section twenty of said act is amended by adding the following to said section, to-wit: "*Provided,* That in all actions in which the county of Ramsey is a party, and in all criminal actions in which said court has not final jurisdiction, the fees accruing to the clerk and court in such actions and preliminary examinations after being taxed by the clerk, and approved by the judge, shall be certified to the county auditor of said county, who shall draw his warrant therefor upon the treasurer of said county in favor of said clerk, and the county treasurer shall pay the same out of any money in the treasury not otherwise appropriated, and the amount so paid shall be by said clerk paid over to the treasurer of the city, on the first Tuesday in the month after the same was received by him.

SEC. 9. Section twenty-two of said act is amended by striking out all after the word "qualified," in the ninth line of said section, and inserting the following, to-wit: "In case of a press of business in said

court, or of the absence or sickness of the municipal judge or when said judge is a party or interested in any cause, or otherwise disqualified from acting, the said judge, or in his absence or sickness, the mayor of said city shall notify alternately one of the special judges to act as judge of said court during such inability or disqualification of said municipal judge, and such special judge so acting shall receive compensation from the city, at the rate of eight dollars per day, said special judges shall not be disqualified from acting as attorney in said court in any cause when they are not a party or in interest; the special judges shall act alternately, and no special judge shall act, at any one time, for more than one term of the court, unless it be to conclude a case already commenced before him, or unless in case of sickness or disability of the other special judge."

SEC. 10. That section twenty-six (26) of said act, be and the same is amended so as to read and be in force as follows, to-wit:

Sec. 26. That on the day of the next general city election, and every two years thereafter in addition to the municipal officers then to be elected, the qualified electors of said city shall elect by ballot as provided in section five (5) of chapter two (2) of the act relating to said city of Saint Paul, approved March 5th, 1874, two justices of the peace for said city of Saint Paul, one of whom shall reside and hold his office east of Wabashaw street, the other west of Wabashaw street, and that the justices of the peace so elected at said election, shall hold their respective offices for two years, and until their successors are elected and qualified, and shall severally give bond and qualify as is now provided by chapter 65 of the general statutes, relating to justices of the peace, and that the justices so to be elected shall supersede all other justices of the peace within said city of Saint Paul, and shall severally have and possess all the jurisdiction and powers, and discharge all the duties required by said general statutes, and the several acts amendatory thereof, save and except as otherwise specially provided in this act. *And provided further,* That said justices of the peace shall not have or exercise any criminal jurisdiction or in any action of forcible entry and detainer whatever. That the fees of such justices of the peace shall not exceed in any one action or garnishee or proceeding the sum of two dollars, which sum shall include the cost of the issuance of one execution. That section twenty-six of said act hereby amended is repealed. *Provided, however,* That all justices of the peace who were in office at the time of the passage of the act to which this amendatory, and whose terms have since expired shall forthwith transfer and turn over to the municipal court all dockets, records, files and papers in their custody and pertaining to the office of justice of the peace, and the said municipal court shall have full power to enforce by execution or otherwise all judgments rendered by said justices. *And provided further,* That the justices of the peace now in office in said city shall on the expiration of their term of office transfer and turn over to either of the justices of the peace elected under this act, all their said dockets, records, papers and files pertaining to their said office of justice of the peace, and the said justice to whom said dockets, records, files and papers may be transferred shall have full jurisdiction to finish and complete all proceedings unfinished and pending at the time of the transfer.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved March 1, 1876.

CHAPTER CCXII.

AN ACT TO PROVIDE FOR THE EQUALIZATION OF TAXES IN THE COUNTY OF RAMSEY.

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

SECTION 1. In each year, prior to the first day of September, the board of county commissioners of Ramsey county shall elect from their number three persons, and the common council of the city of Saint Paul shall elect from their number four persons, and the said persons so elected together with the city assessor of St. Paul, the mayor of said city, the county auditor and one assessor from the county to be appointed by a majority of the township assessors, shall constitute a board of equalization whose duty it shall be to equalize the assessments of property within the county of Ramsey as provided by the general laws of the state in relation to the equalization of assessments of property for taxation.

SEC. 2. The said board of equalization shall meet at the office of the county auditor on the first day of September at 10 o'clock A. M., unless said first day of September should come on Sunday, in which event they shall meet on the 2nd day of September. Each member shall take an oath that he will make a fair and impartial equalization of the assessments in said county, without fear or favor, according to law, but the omission to take such oath shall not invalidate his official acts or the acts of said board. The auditor shall give at least one week's notice of the time and place of meeting by publication in the official paper of the city of St. Paul six days prior to the day of meeting, but any omission to perform this duty shall not invalidate the action of said board. A majority of said board shall constitute a quorum, and they shall appoint a chairman and clerk. Said board may adjourn from time to time, and may continue in session until their business is completed, vacancies of members elected by the said council, shall be supplied by said council, and vacancies of members elected by said board of commissioners may be supplied by said board of commissioners. The said board of equalization shall complete its business on or before the 28th day of September.

SEC. 3. Said board of equalization shall not have power to reduce the general aggregate of valuations as returned by the assessors of the county, except in cases where arbitrary assessments of personal property may have been made by said assessors or where said assessors may correct errors in their returns. In cases where arbitrary assessments have