

to appear before said board and make such statement or produce any proof which he may desire to introduce to aid him in his defense; after which said board shall render such decision in the case as they may deem just, and if, in the opinion of said board, the charges are well founded, they may revoke said license, or may impose a fine of not more than one hundred (100) dollars, upon payment of which to the building inspector, said license shall be restored. All fines received under the provisions of this section shall be paid into the city treasury.

The inspector of buildings is hereby authorized and directed to adopt and promulgate suitable rules and regulations for the construction of house-drainage and cess-pools, and to provide for the registration of master plumbers and persons engaged in the plumbing business of the city; *Provided*, That no cess-pool shall be permitted to drain into any sewer. *And provided further*: That nothing in this section shall be construed to apply to cess-pools in existence within the city limits at the present time, or their connections with or drainage into, any sewer.

Said inspector shall also establish a system of inspection and supervision over all house-drainage and cess-pools, and ventilation of the same, and appoint such inspectors as in his judgment may be necessary, at such compensation as may be approved by the common council. And any person who shall refuse or neglect to comply with all the requirements of said rules and regulations when promulgated, shall be guilty of a misdemeanor, and on conviction thereof be sentenced to pay a fine of not more than one hundred (100) dollars, or undergo an imprisonment not exceeding one (1) year, or both, in the discretion of the court.

SEC. 14. This act shall take effect and be in force from and after its passage.

Approved Feb. 22. 1887.

CHAPTER 49.

[H. F. No. 605.]

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ESTABLISH A MUNICIPAL COURT IN THE CITY OF WINONA," APPROVED MARCH 9, 1885, BEING CHAPTER 115 OF THE SPECIAL LAWS OF THAT YEAR.

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

SECTION 1. That section two (2) of chapter one hundred and fifteen (115) of the special laws of one thousand eight hundred and eighty-five (1885) be amended by inserting the words "from the evidence," immediately after the word "appears," in the eleventh line of said section.

SEC. 2. That section three (3) of said chapter be amended so as to read as follows:

Section 3. There shall be elected at the general city election in said city on the first (1st) Monday in April, in the year one thousand eight hundred and eighty-five (1885), and on that day quadrennially thereafter, a suitable person with the qualifications hereinafter mentioned, to the office of judge of said court, to be called "municipal judge," who shall enter upon the duties of his office on the third (3d) Monday of April in the year of his election, and shall hold his office for the term of four (4) years, and until his successor shall be elected and qualified. In case a vacancy shall occur in the office of any municipal judge in said city before the expiration of the term for which he was elected, the vacancy shall be filled by appointment by the governor of this state until a successor is elected and qualified; and such successor shall be elected at the first general city election occurring more than thirty (30) days after the vacancy shall have happened, and shall enter upon his office on the third (3d) Monday in April in the year of his election, and hold the same for the full term of four (4) years, and until his successor shall be elected and qualified.

SEC. 3. That section six (6) of said chapter be so amended as to read as follows:

Section 6. The municipal judge shall, on or before the first (1st) Monday in May in each year appoint by and with the consent of the city council of said city, a suitable person to act as officer of the said court, with the official title of "court officer", whose term of office shall begin on the first (1st) Monday in May and continue for one (1) year and until his successor shall be appointed and qualified. Such officer shall, before entering upon the duties of his office, take the usual oath of office, and shall execute a bond to said city, with one or more sureties, to be approved by said council, conditioned for the faithful performance of his duties, and for the payment and delivery to the person or corporation entitled thereto, of all moneys and effects which may come into his hands by virtue or color of his office. It shall be the duty of said officer to attend said court at all times when it is in session, to execute its orders, to serve all process issued therefrom which may be delivered to him for service, and to perform such other duties as may be required of him by this act or by any law of this state. In case of a vacancy in said office the municipal judge shall, by and with the consent of the said city council, fill such vacancy by appointment for the remainder of the unexpired term; and in case of said court officer's temporary absence or disability, the municipal judge may appoint some police officer of said city to act for the time being in his place, who shall, while so acting, possess the same powers and perform the same duties as said court officer. The compensation of the court officer shall be fixed by the city council at or before the beginning of each term of office, and shall not be increased or diminished during such term; and such officer may for good cause be removed from office by the municipal judge, and the vacancy thus caused shall be filled in the same manner in this section above provided.

SEC. 4. That the last clause of section seven (7) of said chapter

beginning "process shall be directed" &c. be amended so as to read as follows:

Process shall be directed for service to the court officer or any police officer of the city of Winona, or to the sheriff or any constable of Winona county, and shall be served in the same manner as like process from the district court, and service by publication may be made in like manner as in justice court.

SEC. 5. That section eight (8) of said chapter be amended by striking out the words "and shall see that the criminal laws of the state and the ordinances, regulations and by-laws of said city are observed and executed", from the third, (3d) fourth, (4th) and fifth, (5th) lines of said section.

SEC. 6. That section ten (10) of said chapter be amended by striking out the word "marshal" in the eleventh (11th) line of said section, and inserting in lieu thereof the words "court officer or any police officer of said city"; also by inserting immediately after the word "clerk" at the end of the thirty-fourth (34th) line of said section the following proviso: *Provided, That whenever the action is brought upon a promissory note or other instrument in writing purporting to be signed by the defendant, or upon account for money paid or goods sold and delivered, or services rendered, such note or other instrument in writing, or a duly certified copy of such account, together with a minute in writing of the amount claimed, may be filed, and shall be deemed sufficient, as a complaint.*

SEC. 7. That section eleven (11) of said chapter be amended by striking out the words "city marshal" in the eleventh (11) line of said section and inserting in lieu thereof the words, "court officer or any police officer."

SEC. 8. That section twelve [12] of said chapter be amended by striking out the words "city marshal" in the ninth [9th] line of said section, and inserting in lieu thereof the words "court office."

SEC. 9. That section twenty-two [22] of said chapter be amended so as to read as follows:

Section 22. The court officer and all police officers of said city are hereby vested with all the powers of constables under the statutes of Minnesota as well as at common law; and the court officer and police officers, in making service of any process, warrant or writ, or doing other duty in respect to causes in said municipal court, shall note and return to the court for collection such fees as are allowed to constables for like service in justice courts; and all fees, whether charged by the clerk or the court officer or any police officer, shall be collected by the clerk as costs, and shall by him be accounted for and paid over to the city treasurer of said city as hereinbefore provided.

Service of all process warrants and writs issued out of said municipal court, in cases triable therein, that are to be served within the limits of said city, shall be made by the court officer of said court, or by some police officer of said city, except when, in civil cases, service of process by private persons shall be authorized by the court as elsewhere herein provided; but the court may, in its discretion, when the circumstances of the case render such action necessary or advisable,

specially authorize the making of such service by the sheriff or any constable of Winona county; and neither said court officer nor any police officer of said city shall receive for any service by him performed in said court, or in executing its orders, process, warrants or writs, any other or further compensation than the regular salary paid him by said city; and if any fees shall be paid to either of said officers for any such service, he shall forthwith pay the same over to the clerk of said municipal court for the use of said city.

SEC. 10. That the first clause of section twenty-three [23] of said chapter, ending with the word "act" in the fourth [4th] line of said section, be amended so as to read as follows:

At the regular city election in said city, on the first [1st] Monday in April, one thousand eight hundred and eighty-nine [1889], there shall be elected a special judge of the municipal court, who shall be a resident of said city, and whose term of office shall begin on the third [3d] Monday in April in the year of his election, and continue four [4] years and until his successor shall be elected and qualified; any vacancy occurring in the office of the special judge shall be filled in the same manner as hereinafore prescribed in the case of vacancy in the office of municipal judge.

SEC. 11. That section twenty-nine [29] of said chapter be amended by striking out from the thirteenth [13th] line of said section the words and figures "seventy-five [75]," and inserting in lieu thereof the words and figures "fifty [50]," also by striking out from the twenty-first [21st] line of said section the word and figure "five [5]" and inserting in lieu thereof the word and figure "three [3]," also, by striking out the first proviso in said section, beginning with the word "provided" in the fourteenth line of said section and ending with the word "specified" in the eighteenth [18th] line of said section.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved February 15, 1887.

CHAPTER 50.

[H. F. No. 714.]

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTEEN (115) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-FIVE (1885), ENTITLED "AN ACT TO ESTABLISH A MUNICIPAL COURT IN THE CITY OF WINONA."

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

SECTION 1. That from and after January first (1st), A. D. one thousand eight hundred and eighty-seven (1887), the salary of the judge of the municipal court of the city of Winona shall be at the rate of two thousand [2,000] dollars per annum, to be paid from the city treasury in monthly installments.