

Sixteenth—To prevent open or notorious drunkenness in the streets or public places of said city, and to prevent and restrain obscenity, lewdness or indecency within said city, whether committed in a public or a private place therein, and to provide for the arrest and punishment of all persons who shall be guilty of the same. *Provided*, that no officer shall have the right to break into or enter a private house or office.

SEC. 16. To amend section one (1) of chapter nine (9) so as to read as follows:

Section 1. The city council shall have power to maintain the water works and sewers now established in said city and to enlarge, extend and relay and improve the same; and shall require, before any street is paved, that the gas, water and sewer pipes be laid therein and connection made with the front line of each lot, and in all cases where any mains have been or are hereafter to be laid, whether the street on which the same are laid is to be paved or not, the council shall require connection with such mains to be made to the front line of each lot abutting thereon. In the business portions of the city the word "lot" shall be construed to mean a sub-division of twenty-two (22) feet front.

SEC. 17. By amending chapter six (6) of said charter by adding to the end thereof a new section as follows:

Section 18. The city council of the city of Minneapolis is hereby authorized and empowered to expend for purposes not in this charter otherwise authorized during any fiscal year, moneys out of the general fund of said city not exceeding in the aggregate the sum of ten thousand (10,000) dollars; *provided*, that no part of such sum shall be expended except by a resolution adopted by the affirmative vote of at least three-fourths ($\frac{3}{4}$) of the members of said council.

SEC. 18. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 19. This act shall take effect and be in force from and after its passage.

Approved April 15, 1889.

CHAPTER 34.

[H. F. No. 8.]

AN ACT TO CONSOLIDATE AND AMEND THE SEVERAL ACTS RELATING TO THE MUNICIPAL COURT OF THE CITY OF MINNEAPOLIS.

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

SECTION 1. The act entitled "an act to establish a municipal court in the city of Minneapolis," approved February thirteenth (13th,) A. D., eighteen hundred and seventy-four (1874), and the subsequent

acts of the legislature amending the same, are hereby consolidated and amended so as to read as follows:

SEC. 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 five hundred (500) 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 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 co-extensive and with the limits of said Hennepin county.

SEC. 3. The qualified electors of the city of Minneapolis shall, at the general city election to be held on the first (1st) Tuesday after the first (1st) Monday in November, A. D. eighteen hundred and ninety-four (1894), and every sixth (6th) year thereafter, elect a suitable person having the qualifications hereinafter mentioned, to be judge of said municipal court, who shall be called "municipal judge", and shall hold his office for six (6) years from and after the first (1st) Monday in January next succeeding his said election, and until his successor is elected and qualified.

The term of office of the judge of said court, heretofore elected on the first (1st) Tuesday in April, A. D. 1883, shall expire and terminate, and shall be deemed to have expired and terminated, on the first (1st) Monday in January, A. D. 1889, upon the qualification of his successor, as hereinafter provided, and the person elected at the regular city election heretofore held in the city of Minneapolis on November 6th, A. D. 1888, to the office of judge of the municipal court of said city, as heretofore constituted, shall be the judge of said court until his successor shall be elected and qualified, pursuant to this act.

Any and all act or acts heretofore done by the person so elected, he having qualified and acted, and being now acting as such judge, done by virtue of his said office, are hereby declared to be legal and valid, and such election shall in all respects be held legal and valid, and said person entitled to take and hold his said office on and after the first (1st) Monday in January, 1889, for and during the six years next ensuing 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 suitable person having the necessary qualifications to said office until the next

regular city election, when a judge shall be elected for the full term of six years.

SEC. 4. *The judge of the municipal court shall be a resident of Minneapolis, a person learned in the law, and duly admitted to practice in all the courts of this state. Before entering upon the duties of his office he shall take and subscribe an oath, as 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 judge of courts of record and may administer oaths, take and certify acknowledgments, fix the amount of bail or the amount of money to be deposited in court in lieu thereof, 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 court whose time and manner of election, term of office, powers, duties and qualifications shall be the same as those of the judge, and his successors shall be elected and vacancies in his office filled in like manner.

The person elected at the regular city election heretofore held in the city of Minneapolis on November sixth (6th), A. D., eighteen hundred and eighty-eight (1888), to the office of special judge, of the municipal court of said city, as then constituted, shall be the special judge of said court until his successor shall be elected and qualified pursuant to this act.

Any and all act or acts heretofore done by the person so elected, he having qualified and acted and being now acting as such special judge, done by virtue of his said office, are hereby declared to be legal and valid, and such election shall in all things be held to be legal and valid, and said person entitled to take and hold his said office on and after the first (1st) Monday in January, A. D., eighteen hundred and eighty-nine (1889), for and during the term of six (6) years then next ensuing and until his successor shall be elected and qualified.

SEC. 5. There shall be a clerk of said municipal court, who shall be appointed by the judge of said court, with the advice and consent of the city council of the city of Minneapolis, and the judge shall have power to remove said clerk at pleasure, or he may be removed by a two-thirds ($\frac{2}{3}$) 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 Minneapolis 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 (1st) Monday 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, and that at the end of his term of office he will

forthwith pay over to the city of Minneapolis all moneys to which said city [of Minneapolis] shall then be entitled, and to his successor in office all other moneys the remaining in his hands, and which shall have come into his hands in virtue or by reason of his office; and that at the end of his term of office he will forthwith pay over to the city of Minneapolis all moneys to which said city shall then be entitled, and to his successor in office all other moneys then remaining in 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.

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 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.

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 the 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. 7. The municipal court shall be held in the city of Minneapolis 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 violations of the criminal laws of this state, committed within the county of Hennepin, or of the ordinances, laws, regulations or by-laws of said city. Said judge shall have power to fix bail in all cases where bail is allowed to be given under the laws of this state; and in all such cases the person required to give bail may in lieu thereof deposit in said court a sum of money—legal tender of the United States—equal the amount of the bail so fixed.

The clerk of the court shall keep a record of all proceedings and enter all orders, judgments and sentences under the supervision of the judge, and issue commitments and executions, as well as other process.

SEC. 8. The clerk of the municipal court shall have the custody and care of the books, papers and records of said court; in case of his

absence the judge may appoint some person temporarily in his place.

The clerk of said municipal court is hereby vested with all the powers and authority now possessed by notaries public and clerks of the district courts of this state in taking acknowledgments, and administering oaths and affirmations, and swearing witnesses. He shall keep minutes of all proceedings, and enter all judgments, and make up and keep the records of the court, under the direction of the judge. He shall tax all costs and disbursements allowed in any action, subject to review by the judge, and do all other acts and things necessary or proper to the enforcing and carrying out of the jurisdiction of the 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 witness fees in criminal cases, and keep full, accurate and detailed accounts of the same, and shall, on the first Monday of every month, deliver to the city treasurer of the city of Minneapolis, all moneys so received, or proper vouchers therefor, as herein provided, with detailed accounts thereof, and take his receipt therefor. But all penalties collected for the forfeiture of any bond, recognizance or bail given in said court shall be paid to the Minneapolis Bar Association, to be applied to the support of the law library of said association, and the receipt of the treasurer of said association to said clerk shall be a sufficient voucher for such sums so paid. *Provided*, that the said Minneapolis Bar Association shall by proper action grant the free use of its library, and the books therein, to any and all judges of the courts of record of the state of Minnesota. *Provided further*, that when the amount so received by said Association in any one year shall exceed twenty-five hundred (\$2,500) dollars, all moneys in excess of that amount shall be paid over to the city of Minneapolis. The clerk of said municipal court shall also make detailed monthly reports of all persons who are committed to the county jail of the county of Hennepin under sentence of said municipal court, and of all who are committed in default of bail, to the county auditor of Hennepin county on the first (1st) day of each month, or on the second (2d) if the first (1st) day comes on Sunday or on a legal holiday, and shall show the name of every person committed during the previous month and 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 state laws or under the ordinances of said city, and shall also show the names of all persons discharged from said jail since the last report by order of said municipal court, because of such discharge and the date thereof. In all cases where the judge of said municipal 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 is 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 a written transcript of said order authenticated by the clerk of said court under its seal, which transcript, in case of payment of a fine, shall not be issued or

given until the actual payment to the clerk of said municipal court of the amount of fine is paid.

The sheriff of said county shall be held strictly accountable for a breach of official duty if, in any of the cases above named a prisoner be released without the presentation of the written evidence above required. The clerk of said court may, when authorized so to do by the city council of the city of Minneapolis, if in their discretion they deem the appointment necessary, with the sanction of the judge of said court, appoint one (1) or more deputy clerks of said municipal court, for whose acts the said clerk of said court shall be responsible, and said deputy or deputies shall be appointed under the hand of said clerk and seal of said court, with the sanction of said judge, endorsed on the back of such appointment; and before any deputy clerk of said court shall enter upon the duties of his office he shall take and subscribe the same oath prescribed and required to be taken by the clerk of said court, and execute a bond, for the faithful performance of his duty as such deputy clerk to be approved by said clerk, which oath, together with the appointment of said deputy clerk, and such bond shall be filed in the office of the city clerk of said city of Minneapolis, and the clerk of said court or the judge thereof may at any time remove any deputy appointed under the provisions of this act.

Neither the said clerk of the municipal court, nor any deputy clerk, shall act as an attorney in any case in said court.

The deputy clerks appointed under the provisions of this act may administer oaths, take acknowledgments and perform all the duties pertaining to the office of clerk of said municipal court.

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, except during the months of July and August, which terms shall continue from day to day with such adjournments as to the court may seem proper, until the business of each term is 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 a 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 serve a copy of his answer to the person whose name is subscribed to the summons, at a place within the state therein specified, in which there is a post office, within ten (10) days after the service of the summons, exclusive of the day of service.

The notice to be contained in the summons, the manner of service of the 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), and twenty-three (23), of chapter sixty-six (66), general statutes of one thousand eight hundred and seventy-eight (1878), so far as the same may be applicable, except that the time for demurrer and reply shall be ten (10) days,

and except as the same may be modified, changed or altered by this act, shall apply to said municipal court, and all officers acting by authority thereof.

No police officer of said city 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 said clerk shall, when requested so to do, note, or indorse the fact of such filing upon the back of said summons or process. And whenever any such summons, process or paper, in any civil action shall have been delivered to any police officer 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. And after the issuing of execution against the property of any judgment debtor, any person indebted to such judgment debtor may pay the amount of such debt or so much thereof as may satisfy such execution, to the officer holding such execution, and the receipt of such officer, reciting the facts, shall be a sufficient discharge and satisfaction of so much of said debt as is so paid over to such officer.

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

Said court shall also have authority to provide by rule that the plaintiff or moving party in any civil action or proceeding 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.

Costs are allowed the prevailing party in actions commenced in said municipal court, as follows:

To the plaintiff, upon a judgment in his favor, upon a trial upon the merits, when the amount thereof, or value of personal property recovered, exclusive of costs and disbursements, exceeds fifty dollars (\$50) and is less than one hundred dollars (\$100), five dollars (\$5). To the defendant when judgment is rendered in his favor upon the merits after a trial of an issue of fact, when the amount claimed in the complaint, or value of personal property in replevin, is less than one hundred dollars (\$100), five dollars (\$5).

To the plaintiff, upon a judgment in his favor of one hundred dollars (\$100) or more, or in actions of replevin, when the value of the property is one hundred dollars (\$100) or more, when no issue of fact or law is joined, five dollars (\$5), when an issue is joined ten dollars (\$10). To the defendant when the amount claimed in the complaint is one hundred dollars (\$100) or more, upon discontinuance or dismissal, five dollars (\$5); when judgment is rendered in his favor on the merits ten dollars (\$10).

Costs and disbursements shall be taxed and allowed in the first (1st) 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 affidavits, which shall be filed.

The party objecting to any item shall specify in writing the ground

of objection; and the same, in case of appeal, shall be certified by the clerk and the appeal shall be heard and determined upon the objections so certified, 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 still pending, by himself, his agent or attorney, make and file with the clerk an affidavit similar to the affidavit required by law in an action for a writ of attachment in the district courts of the state, and also cause to be filed a bond with sufficient sureties to be approved by one (1) of the judges, and similar to the bond required on a like application in the district courts of the state. The writ of attachment 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 to the sheriff or any constab'le of said county: You are hereby commanded to attach the goods, chattels, moneys, effects and credits of.....or so much thereof as shall be sufficient to satisfy the sum of.....dollars, with interest and costs of suit, in whosoever hands or possession the same may be found in said county of Hennepin 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.)

.....
Clerk of the Municipal Court.

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.

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 in like action. The plaintiff, or some person in his behalf, shall execute a bond with sufficient sureties to be approved by one of the judges conditioned similar to bonds in such actions in the district courts of the state, and file such bond. It shall not be necessary to serve on the defendant any copy of such bond or affidavit. An action may be maintained on such bonds as upon similar bonds filed in like action in the district courts of the state.

The clerk shall thereupon issue the writ which shall 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 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 said goods and chattels to be replevined without delay, and 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 to deliver the said goods and chattels to said.....

Witness the honorable.....municipal judge, this.....day of.....A. D., 18....

(L. S.)

Clerk of the Municipal Court.

SEC. 12. Notices of trial shall be served as in the district courts of the state, at least (3) 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, subject to such modifications as the court may by rule prescribe.

The clerk of the court shall, prior to each term of the court, make up a calendar of 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 the trial, and other disposition of causes.

SEC. 13. Trial by jury in the municipal court shall in all respects be conducted as in the district courts of said state, and all laws of a general nature applicable to jury trials in said district courts shall apply to said municipal court, except as hereinafter provided.

Jurors for said municipal court shall be provided and drawn in the following manner, to-wit: The mayor or president of the city council of the city of Minneapolis, the city clerk and one of the judges of said municipal court shall, on the second (2nd) Monday of February, May, August, and November in each year, at the office of the city clerk of said city, meet, and from the legal voters of said city select and designate sixty-three (63) legal voters of said city as the jurors of said municipal court, to serve therein when required and drawn, during the succeeding three (3) months, and until their successors are selected and certified; and shall thereupon certify said names so selected to the clerk of said municipal court, who shall thereupon write said names upon separate ballots and place the same in a wheel or box, and on the Thursday preceding the beginning of the first term in each month, the clerk of said court, by lot, draw twenty-one (21) ballots therefrom, the persons named upon which shall be forthwith summoned to attend at said court on the second day of the term then next ensuing and until excused by the court; out of the jurors so drawn and summoned, jurors shall be selected when required in the same manner as in the district courts of the state. Whenever a jury is required in a criminal case, it shall be selected from the panel so drawn.

Provided, however, that no juror shall be required to attend, as such, more than two terms in any one year. As fast as each series of twenty (20) jurors shall have so served, the ballots containing their names shall be destroyed. If any person duly drawn and summoned to attend as juror in said court, neglects to so attend, without sufficient excuse, he shall pay a fine not exceeding thirty dollars (\$30),

which shall be imposed by the court, and imprisonment until such fine is paid, not exceeding thirty (30) days.

Whenever deemed necessary, said court shall have power to issue a special venire.

Jurors so summoned and attending as aforesaid in said municipal court, shall be entitled to like compensation as jurors in the district court of Hennepin county, and shall be paid out of the county treasury of said county of Hennepin.

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 first (1st) day of the term at which such action is set for trial, a jury fee of three dollars (\$3), and unless such jury is demanded and such fee paid 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 tried by the court.

Any juror who has been regularly summoned to attend in said court, and who shall actually attend said court at the time named in such summons shall be entitled to his per diem and mileage whether he shall actually have been sworn as a juror or not.

SEC. 14. Section four (4) of chapter twenty-seven (27) of the general statutes relative to reporter of the supreme court and the distribution of the supreme court reports, shall apply to the judges of the said municipal court. And all causes may be removed from the 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 courts. *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 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 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, relative to the 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 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.....ofhas 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.....now does 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..... theday of.....A. D., 18., 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., 18...

[L. S.]

Clerk of the Municipal Court.

SEC. 15. 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 dollars (\$10) besides costs and disbursements, may upon paying the fee 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 Hennepin county, who shall file and docket the same as in case of transcripts of judgments in the courts of justices of the peace. And every such judgment shall become a lien upon the real estate of the debtor, from the filing of such transcript, to the same extent as a judgment of the said 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. 16. ~~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 person not a party to the action, 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~~

a judge thereof, at a time and place mentioned therein, not less than ten (10) days from the service thereof, and answer touching his indebtedness to the defendant, and 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, 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. 17. 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 may 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 said 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 process 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, or may be in such other form as the court may prescribe, sanction or approve. In cases where alleged offenders shall be in custody, and brought before the court or the clerk, without process, the clerk shall enter upon the records of the court, a brief statement of the offense with which the defendant is charged, which shall stand in 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 a failure to plead, the clerk shall enter a plea of "not guilty", and a former acquittal or conviction for the same offense may be proved under that plea as well as if formally pleaded.

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

In cases where the offense charged is bastardy, proceedings shall be as near as may be substantially as provided in chapter seventeen (17) of the general statutes of one thousand eight hundred and seventy-four (1874).

SEC. 18. The judge and special judge of said court shall each receive a salary of three thousand (3,000) dollars per year, and the clerk of said court a salary of one thousand eight hundred (1,800) dollars per year, and each of the deputy clerks shall receive a salary of one thousand (1,000) dollars per year, payable in each case out of the city treasury of the city of Minneapolis, in monthly installments. Neither of said judges, nor said clerk, nor his deputies, shall receive any other fee or compensation for his services.

But in all proceedings had in said municipal court, like fees shall be charged and collected by the clerk as costs, as are now allowed by law to the clerk of the district court of Hennepin county.

It shall be the duty of the police officers of said city to serve all processes issued by said court, except as otherwise provided by this act. Police officers in making service of any process, or doing other duty in respect to causes of said court, shall note and return to the court for collection, such fees for such services as are allowed to constables for the like services in justices' courts; and all fees so charged by the clerk or by any police officer, shall be collected by the clerk as costs, and by him be accounted for and paid over to the city treasurer of said city, as hereinbefore provided.

The clerk shall pay witnesses in criminal actions the fees to which they may be entitled when no other provision shall be made by law for such payment, taking receipts therefor in such form as the court may direct; which receipts shall be sufficient vouchers for payment of the sums therein named, which said sums shall be noted upon the monthly reports of said clerk, and deducted from the amount therein otherwise shown to be due the city.

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

And all balances of deposits for costs 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 of, or failure to prosecute the same, and all other deposits of money arising from bail, bonds, recognizances, and payments of penalties thereon or otherwise shall be paid over to the city on the first Monday of the month following.

Provided, that in the event that the party or parties who may be entitled to receive said balances of deposits or other moneys, or any portion thereof, may demand the same of said clerk at any time thereafter, and, upon giving a receipt therefor to the clerk, he shall pay over the same and said receipt shall be a sufficient voucher for the same in like manner as provided herein in the cases of receipts for witness fees.

No fees shall be charged against either the city, county or state.

SEC. 19. It shall be the duty of the mayor and police authorities 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 processes, 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 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, clerk of the municipal court, or any other official of said city who may have knowledge of such failure so 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 officer, 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 Hennepin, or of the city attorney of the city of Minneapolis, pursue said alleged offender or offenders beyond the limits of said city of Minneapolis, in which event said officer or officers shall be entitled to receive for his or their own use and benefit all fees for such pursuit and all rewards offered for the apprehension of such offenders,

SEC. 20. In the case of sickness or absence of the judge of the municipal court and of the special judge, 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 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, 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. 21. The city attorney of the city of Minneapolis shall have charge of the prosecution of all criminal proceedings before said municipal court except the trial of a person charged with having committed within the county of Hennepin but without the city of Minneapolis, offenses against the criminal laws of the state and except the preliminary examinations of all persons charged with offenses against the criminal laws of the state, which cases the county attorney of the county of Hennepin shall have charge of and prosecute.

SEC. 22. The clerk of the municipal court shall, under the direction of the judge, and with consent of the city council of said city (unless otherwise provided), from time to time procure and furnish all necessary blanks, stationery, record books, court rooms, jury room and office furniture, lights and fuel, for the use of the court and the officers thereof, at the expense of the said city.

SEC. 23. All acts and parts of acts inconsistent herewith are hereby repealed.

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

Approved February 20, 1889.