

CHAPTER 351.

[H. F. No. 19.]

AN ACT ENTITLED "AN ACT TO CONFIRM AND CONTINUE THE PRESENT MUNICIPAL COURT OF THE CITY OF SAINT PAUL, IN THE COUNTY OF RAMSEY, IN THE STATE OF MINNESOTA, AND TO ENLARGE THE JURISDICTION OF SUCH COURT, TO REGULATE THE PRACTICE AND PROCEDURE THEREOF, AND TO PROVIDE AN ADDITIONAL JUDGE THEREFOR."

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

SECTION 1. Court established—Jurisdiction—The municipal court now existing in the city of Saint Paul, in the county of Ramsey, and state of Minnesota, is hereby confirmed, continued and established as a court for the transaction of all judicial business which may lawfully come before it. The said court shall be located and its sessions shall be held in said city of Saint Paul, at some suitable place to be provided therefor by the common council of said city.

Said court shall be a court of record and shall have a clerk and a seal, and the jurisdiction of said court shall be co-extensive with the limits of said Ramsey county, except as hereinafter provided.

Civil jurisdiction—Said court shall have jurisdiction to hear, try and determine civil actions and proceedings, as follows:

First—Of an action arising on contract for the recovery of money only, if the sum claimed does not exceed five hundred (500) dollars.

Second—Of an action for damages for an injury to the person, or to real property, or for taking, detaining or injuring personal property, if the damages claimed, or, in replevin, the value of the property in controversy, does not exceed five hundred (500) dollars.

Third—Of an action for a penalty given by statute not exceeding five hundred (500) dollars.

Fourth—Of an action upon a bond, conditioned for the payment of money, not exceeding five hundred (500) dollars, though the penalty exceeds that sum, the judgment to be given for the sum actually due. When the payments are to be made by installments, an action may be brought for each installment as it becomes due.

Fifth—Of an act upon an official bond; or bond taken in said court, if the penalty does not exceed five hundred (500) dollars.

Sixth—To take and enter judgment on the confession of a defendant, when the amount does not exceed five hundred (500) dollars.

Seventh—To hear and determine all questions that may arise in actions before it, brought under chapter eighty-four (84) of the general statutes of one thousand eight hundred and seventy-eight (1878), and the amendments thereto, relating to forcible entries and unlawful detainers, whether involving the title to real estate or otherwise.

Eighth—Said court shall also have all the powers and jurisdiction conferred by law upon justices of the peace in this state.

Ninth—Criminal Jurisdiction—To hear all complaints and conduct all examinations and trials in criminal cases, arising or triable

within the county of Ramsey and cognizable before a justice of the peace, or arising under the charter, ordinances, laws, regulations or by-laws of said city of Saint Paul.

A change of venue may be demanded and had in the same manner and with like effect as in the district courts of this state. *Provided*, that whenever any action is commenced in said court against any defendant residing in any county within the state other than Ramsey county, and such action is cognizable before a justice of the peace, said defendant may demand that such action be dismissed and thereupon such action shall be dismissed by said court with costs in the sum of ten (10) dollars.

SEC. 2. *Limit of Jurisdiction*—The jurisdiction of said court however, shall not extend:—

First—To any civil action involving the title to real estate, save and except an action brought under and pursuant to chapter eighty-four (84) of the general statutes of Minnesota, A. D., one thousand eight hundred and seventy-eight (1878), and the amendments to such chapter.

Second—Nor to an action for divorce, nor an action wherein the relief demanded in the complaint is equitable in its nature.

Third—Nor to an action to recover damages for false imprisonment, libel, slander, malicious prosecution, criminal conversation or seduction, or upon a promise to marry.

Fourth—Nor to any action against an executor or administrator as such.

Fifth—Nor to any civil action against the city of Saint Paul.

SEC. 3. *Powers*—Said 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,⁹ and its judgments and other determinations save as hereinafter provided.

And it shall have and possess all the powers usually possessed by courts of record at common law, subject to the modification of the statutes of this state applicable to courts of record. And said court is hereby vested with all powers over cases within its jurisdiction which are possessed by district courts of this state over cases within their jurisdiction; and all laws of a general nature shall apply to said municipal court so far as the same are applicable and not inconsistent with the provisions of this act. *Provided*, that said municipal court shall not have power to issue writ of habeas corpus, quo warranto, ne exeat, mandamus, prohibition or injunction, nor issue writs of execution or any process whatsoever after the entry and docketing of any final judgment or decree but the same shall issue out of the district court of Ramsey county after due transcript filed therein.

SEC. 4. *Judges*—There shall be two (2) judges of the municipal court. The present judge of said court shall continue in office during the term for which he was elected and until the first (1st) Tuesday in June, A. D., one thousand eight hundred and ninety (1890), and until his successor is elected and qualified.

The mayor of the city of Saint Paul shall forthwith appoint the other judge of said court herein provided for, and such appointee shall hold his office until the first (1st) Tuesday in June, A. D., one

thousand eight hundred and ninety (1890), and until his successor is elected and qualified. At the municipal election to be held in said city on the first (1st) Tuesday in the month of May, A. D., one thousand eight hundred and ninety (1890), successors to the said judges of the municipal court shall be chosen. The present special judges of the municipal court shall continue to be the special judges of said court until the first (1st) Tuesday in June, A. D., one thousand eight hundred and ninety (1890).

SEC. 5. *Term of Office*—The term of office of the judges of the said court shall be four (4) years and until their respective successors shall have been duly elected and qualified.

SEC. 6. *Qualification of Judge*—Each judge of said court shall be a resident of the city of Saint Paul, a person learned in the law and duly admitted to practice as an attorney in the courts of this state, and before entering upon the duties of his office, he shall take and subscribe an oath as prescribed by the general statutes for judicial officers which oath shall be filed in the office of the city clerk of said city.

SEC. 7. *Powers of Judge*—Each judge of said municipal court shall have the general powers of judges of 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 of this state.

He shall see that the criminal laws of this state, and the ordinances, laws, regulations and by-laws of said city are observed and executed; and for that purpose one (1) of said judges shall open the court every morning (Sunday 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 Ramsey, or of the ordinances, laws, regulations and by-laws of said city.

The senior judge of this court shall be chief judicial magistrate of the city.

SEC. 8. *Rules*—Said judges shall have power to make and prescribe such rules and regulations for the government of said court and the dispatch of the business coming before it, as shall by them be deemed proper, and as shall not be inconsistent with the provisions of this act and the laws of the state.

SEC. 9. *Senior Judge*—The judge who shall have continued in office the longer at any given time shall be deemed and designated, by way of distinction as the senior judge of said court. In case both of the judges shall have had an equal term of service, then, and in that case, the elder of said judges shall be deemed the senior judge.

SEC. 10. *Clerk—Appointment—Oath—Bond*—There shall be a clerk of said municipal court who shall be appointed by the judges of said court, and the judges shall have the 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 common council of the city. 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 Saint Paul, a penal bond in such sum and with such sureties as the common council shall direct and approve, conditioned that he will account to and pay over to the treasurer of said city, on each day all fines, penalties, fees and other moneys belonging or to go to said city which may have come into his hands during said day, and that he will at all times pay over to all 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.

SEC. 11. *Deputy Clerk—Appointment—Oath—Bond—Powers—*Such clerk shall have power to appoint, subject to the approval of the judges of said municipal court, a deputy clerk, with like powers of the clerk, but acting under the authority of said clerk, and said deputy may be removed from office in the same manner as herein prescribed for the removal of the clerk.

SEC. 12. *Clerk—Duties—*The clerk shall have the custody and care of all the books, papers and records of said court. He shall be present by himself or deputy at all trials, unless absent by reason of sickness or by consent of either of the judges, and in case of the absence of both clerk and his deputy, the judge may appoint some suitable person temporarily to the position. He may swear all witnesses and jurors, and administer all oaths and affidavits, and take acknowledgements, and when appointed by the court, he shall without compensation, act as referee in any civil action pending in said court. He shall keep minutes of all proceedings and enter all judgments, orders and sentences, issue commitments as well as all other writs and process, and make up and keep the records of the court under the direction of the judges and when a judge is not present, adjourn the court from day to day. He shall tax all costs and disbursements allowed in every action subject to review by the judges and do all other things and acts necessary or proper to the enforcing and carrying out of the jurisdictions of the court. He shall receive all fines, penalties and fees of every kind, accruing to the court or any officer thereof, including police officers, and keep full, accurate and detailed accounts of the same, and shall on each day deliver over to the city treasurer of the city of Saint Paul, all moneys so received, with detailed accounts thereof, and take his receipt therefor. Said clerk, as well as the judges of said court, is hereby made a conservator of the peace and vested with the same authority, discretion and power to act, on receiving complaints and issuing warrants of said court in criminal cases.

SEC. 13. *Books, Blanks, etc., to be Furnished—*Said clerk shall, under direction of the judges and with the consent of the common council of said city (unless otherwise provided), from time to time procure and furnish all the necessary blanks, stationery and record books, for the use of the court and the officers thereof at the expense of said city.

SEC. 14. *City and County Attorney—Duties of*—The city attorney of the city of Saint Paul shall have charge of the prosecution of all criminal cases in said court not indictable; and the county attorney of the county of Ramsey shall act in the prosecution of offenders charged with indictable offenses, when so required by law to prosecute before justices of the peace, or otherwise.

SEC. 15. *Stenographer*—The judges of said court shall employ and appoint a shorthand writer, to make in shorthand writing a true record or report of the proceedings and evidence taken upon the trial of issues of fact in said court, and of all examinations had therein; and when required by the court or either of the parties to any such trial or examination, to transcribe such record or report into words which shall be represented by the characters used by him in reporting such proceedings or examination, as the same shall occur.

SEC. 16. *Stenographer—Oath—Duty*—Before such reporter shall enter upon the performance of his duties, he shall take and prescribe [subscribe] an oath, similar to the oaths required of the reporters in the district courts of this state, and file the same with the clerk of this court.

The evidence and proceedings in trials of issuance of fact in this court shall be reported in like manner as in the district court, and shall be filed with the clerk of this court and remain so on file for the use of all parties interested.

In the performance of his duties said reporter shall be subject to the orders and directions of the court, and the judges may at any time discharge such reporter and employ and appoint another.

SEC. 17. *Stenographer—Fees*—When the official reporter of said court shall be required by any of the parties to an action, proceeding or examination, to transcribe his record into ordinary writing or print, the parties requiring such transcript shall pay to the clerk of said court, for the use of the city of Saint Paul, five (5) cents per folio of one hundred (100) words for the transcript, and three (3) cents per folio of one hundred (100) words for each copy thereof.

SEC. 18. *Terms of Court*—Said court shall hold regular terms for the transaction of civil business and trial of civil actions, on each Tuesday of 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. *Provided*, that any judge of said court may set cases for hearing and trial upon any day in that or any subsequent term. The terms of said court shall open at ten (10) o'clock in the forenoon. *And provided, further*, that all proceedings in civil causes shall be conducted in a room separate and apart from the room wherein criminal proceedings shall be conducted.

SEC. 19. *Term Calendar*—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 other disposition before the court at such term, adopting such arrangements as the judges may direct.

SEC. 20. *Actions—How Commenced and Conducted*—All civil actions and proceedings in said court shall be commenced and conducted as prescribed by the statutes regulating the commencement, pleading, practice and procedure, in the district courts of this state, as far as the same may be applicable, except, however, as in this act otherwise provided.

SEC. 21. *Times to Serve—Pleadings, etc*—The time within which any act is to be done in this court shall be one-half ($\frac{1}{2}$) of the statutory period prescribed in the district court proceedings. *Provided,*

First—That no such period shall be less than three (3) days.

Second—That two (2) days' notice of taxation of costs shall be given.

Third—Notes of issue shall be filed at least three (3) days before the term, and notices of trial shall be served at least four (4) days before the term.

Fourth—The time within which motions for new trials and appeals may be made or taken shall be the same as in the district court.

Fifth—The practice and proceedings in actions under chapter eighty-four (84) of the general statutes of one thousand eight hundred and seventy-eight (1878) shall be the same as in justice's court, except that the summons shall be issued by the clerk and be made returnable on the first (1st) day of a regular term of said court.

Sixth—The notice required of the taking of depositions to be used in said court shall be the same as in the districts courts of this state.

Seventh—Defaults may be opened and judgments and orders set aside or modified, for good cause shown, within sixty (60) days after the party affected thereby shall have notice or knowledge of the same.

SEC. 22. *Counter-Claims in Excess of Jurisdiction—Equitable Defenses.*—Whenever a counter-claim in excess of five hundred (500) dollars or where any equitable defense or ground for equitable relief is interposed; or where it appears that the title to real estate is involved save as is provided in section one (1) sub-division seven (7) of this act, said court shall immediately cause an entry of the fact to be made of record and cease all further proceedings in the case, and within twenty (20) days thereafter certify and return to the district court of said county of Ramsey a transcript of all entries made in the record relating to the case, together with all process and other papers relating to the suit; and thereupon said district court shall proceed in the cause to the final judgment and execution according to law, the same as if the said suit had been originally commenced in the district court, and the costs shall abide the event of the suit.

SEC. 23. *Attachment—Replevin—Garnishment*—Proceedings by attachment, replevin, or garnishment in said court, shall be conducted as in the district courts of this state; *provided,* that the bonds required in such proceedings shall be executed with sufficient sureties and be in double the amount claimed in attachment, and not less than the sum of two hundred and fifty (250) dollars, or in double the value of the property claimed in replevin, and all bonds required or allowed in such proceedings shall be approved by one (1) of the judges of said court.

And *provided further,* that in garnishment proceedings the affidavit required shall be the same as in justices' courts, and no judgment shall be rendered against a garnishee where the judgment against the defendant is less than ten dollars (\$10) exclusive of costs, nor where the indebtedness of the garnishee to the defendant or the value of the property, money or effects of the defendant, in the hands or under the control of the garnishee, as proved, is less than ten dollars (\$10).

SEC. 24. *Depositions*--Depositions may be taken and used in said court in like manner as in the district court.

SEC. 25. *Tenders*--Tenders of money may be pleaded and made in said court in like manner and with like effect as in the district court.

SEC. 26. *Stay of Execution*--Executions may be stayed in this court in like manner as in the district courts.

SEC. 27. *Confession of Judgment*--Judgment may be confessed, and filed and entered in said court in like manner as in the district court.

SEC. 28. *Appeals from Justice Courts*--All appeals from judgments of justices of the peace in the city of Saint Paul shall be taken to this court, and this court shall have the same powers in such cases now possessed by the district courts of this state; and all laws applicable to appeals to the district court are made applicable to this court.

Provided, however, that the appellant shall cause such appeal to be entered in this court and placed upon the calendar for trial at a term occurring not more than twenty (20) days from the time of the allowance of such appeal.

And *provided, further,* that the appellant shall cause to be served upon the respondent or his attorney, a notice of trial, at least three days before the term at which said appeal is to be heard.

And *provided, further,* that if the appellant fails or neglects to enter the appeal as aforesaid, the respondent may enter the same at the next or any succeeding term of said court, and have the judgment of the court below affirmed, with interest and costs.

SEC. 29. *Second Trial*--Under Chap. 84, *General Statutes, 1878*--Whenever the title to the real estate for the possession of which the action is brought under chapter eighty-four (84) of the general statutes of eighteen hundred and seventy-eight (1878), is involved and determined in this court, the person aggrieved thereby may, after written notice of the judgment entered in such action, apply to the court, and have said cause transferred to the district court for the county of Ramsey, upon complying with the following requisites:

First--He shall deposit with the clerk of this court, for the use of the person entitled thereto, the amount of costs and disbursements included in said judgment.

Second--Within twenty-four (24) hours after notice of such judgment he shall serve upon the adverse party a notice in writing of at least three (3) days, stating that he will apply to the court at the next regular term thereof, occurring not less than four (4) days after such judgment is entered, naming such term, for an order of the court certifying said cause to the district court of the county of Ramsey for a second (2d) trial, and that he will then apply to the court to fix the amount of the bond hereinafter provided for, and that he will then propose the name of (insert names) as sureties in such bond.

Third--The amount of the bond having been fixed by the court and the proposed sureties approved, such bond, conditioned that the party aggrieved will pay the costs of such second (2d) trial and abide any order the court may make therein, and pay all rents, issues, profits and damages justly accruing to the adverse party during the pen-

gency of the action, shall be filed with the clerk of this court within five (5) days thereafter, but the provisions of this section shall not apply to actions that are now pending in said court.

SEC. 30. *Court to Make Order*—Upon the filing of such bond the court shall make an order directing that the cause be certified to the district court for a second (2d) trial therein.

SEC. 31. *Cause to be Certified*—The clerk of this court shall within ten (10) days after the filing of such order, certify the cause and all papers of record therein, to the district court, and thereafter all proceedings in said action shall be had and conducted in said district court.

SEC. 32. *Judgment—Stay*—Upon filing the notice provided for in section thirty-one (31), subdivision two (2), together with proof of service upon the adverse party, all proceedings in the action shall be stayed in this court until the further order of the court.

SEC. 33. *Process*—All process shall be tested in the name of the senior judge, and issued under the seal of the court, and signed by the clerk, and directed for service to the sheriff of the county of Ramsey, except as herein otherwise provided.

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 at any time. In the absence of such prescribed forms, the forms of the process in use in the district courts of this state may be changed and adapted to the style of the court, and used at the discretion of the court.

SEC. 34. *Summons and Subpœnas—How Served*—The summons and subpœnas may be served by any constable in the city of Saint Paul, or by the sheriff of the county of Ramsey, or by any other person not a party to the action, and the service shall be made and the summons returned and filed with the clerk of the court with all reasonable diligence.

SEC. 35. *Criminal Proceedings—How Conducted*—Complaints in criminal cases, where the defendant is not in custody, may be made to the court while in session, or to one of the judges or clerk when not in session, and shall be made in writing, or be reduced to writing by the judge or clerk, and sworn to by the complainant, whether the offense charged be a violation of the criminal laws of the state, or of the ordinances, regulations, laws or by-laws of said city. Complaints, warrants and other process in criminal cases may follow substantially the forms heretofore in use by justices of the peace, with such alterations as may be convenient to adapt the same to the style of this 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 be 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 offender is charged, which statement 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 the plea of "not guilty," with like effect as if formally

pleaded. In the examination of offenders charged with indictable offenses, such minutes of the examination shall be kept as the court may direct, and be properly returned to the court before which the party charged with the offense may be bound to appear.

SEC. 36. *Costs*.—Costs are allowed to the prevailing party, in actions commenced in said court, as follows:

First—To the plaintiff, upon a judgment in his favor of fifty (50) dollars or more, in an action for the recovery of money only, when no issue of law or fact is joined, five (5) dollars. When an issue is joined, ten (10) dollars.

Second—In all other actions, five (5) dollars.

Third—To the defendant upon discontinuance or dismissal when the amount claimed in the plaintiff's complaint is fifty (50) dollars or more, five (5) dollars.

Fourth—When judgment is rendered in his favor on the merits, five (5) dollars, and when the amount claimed in the plaintiff's complaint is fifty (50) dollars or more, ten (10) dollars.

Fifth—Costs may be allowed on a motion or demurrer, in the discretion of the judge, not exceeding ten (10) dollars, and may be made absolute, or directed to abide the event of the action.

Sixth—Save as hereinbefore provided, costs shall be allowed in all cases to the prevailing party, as in the district court of this state.

SEC. 37. *Disbursements*—Disbursements necessarily paid or incurred shall in all cases be allowed to the prevailing party.

SEC. 38. *Taxation of Costs*—Costs and disbursements shall be taxed and allowed by the clerk of said court as in the district courts of this state.

SEC. 39. *Clerk's and Officer's Fees*—In all proceedings had in said court like fees shall be charged and collected by the clerk as costs, as are allowed by law to the clerk of the district court of the county of Ramsey for like services.

Provided, that the plaintiff, upon the filing of his complaint in said court, and the appellant or party procuring the transfer of any action from a justice's court, upon filing the return on appeal or other paper, shall pay to the clerk, the sum of one (1) dollar and fifty (50) cents for the use of the city of Saint Paul, which sum shall be in full of all costs and fees of said court and clerk, up to and including the entry of judgment, and certifying transcript of judgment to the district court, and no rebate shall be allowed to any such person making such payment.

SEC. 40. *Trial by Jury*—Trial by jury in said court shall in all respects be conducted as in the district court of this state, and all laws of a general nature applicable to jury trials in said district court shall apply to said municipal court.

SEC. 41. *Jury—Method of Drawing*—The two (2) judges of said court and the president of the common council of the city of Saint Paul shall, on the last Saturday of each and every month, meet at the municipal court room in said city of Saint Paul, and, from the electors of said city, select and designate forty-eight (48) of said electors as the jurors of said court to serve therein when required and drawn, during the succeeding month, and until their successors are selected.

The clerk of the court shall, thereupon, write the names of the jurors so selected upon separate slips of paper and place the same in a wheel or box, and whenever a jury is required in said court, he shall, thereupon, by lot, draw for a jury of six (6) men, twelve (12) jurors; and for a jury of twelve (12) men, twenty-four (24) jurors.

The jurors so drawn shall be summoned to attend the trial of the case wherein they are drawn. The first six (6) or twelve (12) jurors drawn shall constitute the jury, unless some of said jurors are excused or challenged, in which case the clerk shall call so many of the remaining jurors, as shall be required to fill the places of the jurors excused. And in the event that a jury cannot, for any cause, be filled and sworn from the jurors so summoned, then the clerk shall draw other names from said box or wheel, and summon the same, until the jury is full.

Provided, however, that each party to a civil or criminal action shall be entitled to three (3) peremptory challenges and no more.

SEC. 42. *Fees of Jurors*—Jurors so summoned and attending, as aforesaid, in said court, and duly sworn as such for the trial of any action, shall be entitled to like compensation as jurors in district court; but the party demanding a jury in any civil action, shall be required to advance the fees for such jury, before the venire shall issue.

SEC. 43. *Appeals to the Supreme Court*—Any cause including actions under chapter eighty-four (84) of the general statutes of one thousand eight hundred and seventy-eight (1878), may be removed from said court to the supreme court of the state, in like manner, and upon like proceedings, and with like effect, as from the district court, except in cases where appeals are prohibited by the charter of the city of Saint Paul.

SEC. 44. *Transcript—Lien*—No judgment rendered in said court shall attach as a lien upon real estate, until a transcript thereof shall be filed in the district court, as hereinafter provided.

Every person in whose favor a judgment is rendered, in said municipal court, may demand and receive from such clerk a transcript of such judgment duly certified, and file the same in the office of the clerk of the district court of the county of Ramsey, who shall file and docket the same as in the case of transcripts of judgment from courts of justices of the peace.

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

SEC. 45. *Duty of Sheriff*—It shall be the duty of the sheriff of the county of Ramsey in the state of Minnesota to serve all civil process and other papers in civil action issued by said court and to summon all persons required therein, except as herein otherwise provided.

SEC. 46. *Police Officers—Process in Criminal Actions*—The police officers of said city of Saint Paul are hereby vested with all the powers of constables, under the statutes of this state, as well as at common law so far as proceedings in criminal actions of said court

are concerned. It shall be the duty of the police officers of said city to serve all process or other papers, issued by said court in the course of criminal proceedings. All such process shall be delivered to the chief of police and it shall be his duty to see that all such process is faithfully served and duly executed.

SEC. 47. *Police Officers and Bailiff*—It shall be the duty of the mayor 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 preserve order in its proceedings. And said mayor shall have the power, in his discretion, to appoint not exceeding three persons, approved by the judges of said municipal court, as policemen for special attendance and duty in said court, irrespective of the general or special rules, or legal regulations or enactments, relative to the qualifications of policemen; but such persons shall receive the same, but no greater compensation unless the council directs greater compensation, than ordinary police; and all policemen attending said court may be required to give bonds to said city in such sum as the council shall direct for the faithful performance of their duties; such bonds to be for the use of all persons interested. *Provided, however,* that nothing herein contained shall effect the powers and duties of the general police in said court.

SEC. 48. *Fees of Police*—Police officers shall hereafter receive for their services no other compensation than the salary paid them by the city, except as otherwise provided by the charter of the city of Saint Paul; and if any fee shall be paid to any police officer, or bailiff for any service in connection with this court he shall forthwith pay the same over to the clerk of the court for the use of said city; and a failure to do so shall be a misdemeanor, punishable by a fine not exceeding one hundred dollars (\$100), or by imprisonment not exceeding thirty (30) days, and said clerk shall pay the same to the city treasurer in the same manner as provided by section fourteen (14) of this act.

SEC. 49. *Deputy Clerk to Act as Bailiff*—The deputy clerk may, when required by said court, perform the duties imposed by this act upon its special policemen, and shall have the same authority and powers as are conferred by law upon police officers of the city of Saint Paul.

Provided, that he shall receive no other, or further compensation for such services than his compensation as deputy clerk.

SEC. 50. *Justices of the Peace*—No provision in this act contained shall be construed as repealing or in any wise limiting the effect of section ten (10) of chapter two hundred and eleven (211) of the special laws of Minnesota enacted in the year one thousand eight hundred and seventy-six (1876) as amended by chapter ninety-two (92) of the special laws of the year one thousand eight hundred and seventy-nine (1879), relating to justices of the peace.

SEC. 51. *Court Confirmed*—All civil and criminal actions pending and undetermined in the municipal court of said city of Saint Paul after the passage of this act, and all other proceedings in progress at said date in said court shall proceed, without interruption, in the court designated and established in this act; and the court herein

designated shall have the custody and control of all the records of the present municipal court to the same extent as though the said actions and proceedings had been instituted and the said orders, judgments and determinations had been made and entered by the court herein designated and established. The enactment of this statute shall save and confirm all rights gained and privileges acquired under and by virtue of the legislation by which the present municipal court of the city of Saint Paul was created, and under and by virtue of any acts of the legislature amendatory of such legislation.

SEC. 52. *Salaries*—The salary of each of the two judges of the municipal court of the city of Saint Paul, shall be four thousand (4,000) dollars per annum, and be paid out of said city treasury in equal monthly installments. The salary of the clerk of the municipal court shall be two thousand five hundred (2,500) dollars per annum, and the salary of the deputy clerk of said court shall be twelve hundred (1200) dollars per annum. The salary of the clerk and the deputy clerk of said court shall be paid out of said city treasury in equal monthly installments. The salary of the official stenographic reporter of said court shall be one thousand two hundred (1,200) dollars per annum, payable as aforesaid in equal monthly installments.

SEC. 53. *Judges May Act—How*—Both of said two judges of the municipal court may hold session and act as such court, and shall be fully possessed of all the powers and authority of said court. The two judges may act jointly at any time or upon any occasion deemed by them proper.

SEC. 54. *Inconsistent Acts Repealed*.—All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 55. *Act shall Take Effect—When*—This act shall take effect and be in force from and after its passage.

Approved April 24, 1889.

CHAPTER 352.

[H. F. No. 35.]

AN ACT ENTITLED AN ACT TO MAKE PAUPERS A TOWN CHARGE
IN THE COUNTY OF SIBLEY.

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

SECTION 1. Each township in the county of Sibley in this state shall take care of, and bear the expenses of its poor or paupers, in the same way and manner, so far as applicable as is now provided for counties to take care of their poor or paupers.

SEC. 2. All applications for aid shall be made to the board of township supervisors under oath of two credible persons, and upon a proper case being made out for aid to care for a person or pauper