

and eight hundred and eighty-nine (1889), entitled "An act to establish a municipal court in the city of Anoka, Minnesota," be amended by inserting in the thirty-first (31st) line thereof, between the words "thereto" and "so," the words "shall apply."

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

Approved April 21, 1891.

CHAPTER 154.

[S. F. No. 370.]

AN ACT TO AMEND CHAPTER FIFTEEN (15) OF THE SPECIAL LAWS OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE (1889), ENTITLED "AN ACT ENTITLED AN ACT ESTABLISHING A MUNICIPAL COURT IN THE CITY OF SAUK CENTRE."

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

SECTION 1. That section two (2) of Chapter fifteen (15) of the Special Laws of the year one thousand eight hundred and eighty-nine (1889) be amended by striking out the words and figures "three hundred (300)," where the same occur in said section, and inserting in lieu thereof the words and figures "five hundred (500)."

SEC. 2. That section five (5) of said chapter be amended so as to read as follows:

Sec. 5. All processes issued out of said court may be served by the sheriff or any constable of the county of Stearns, or by the court officer of said court, or by any police officer of said city; and it shall be the duty of the city council of the said city of Sauk Centre to appoint a police officer of said city, who shall act as officer of said court, who, before entering upon the duties of his office, shall execute a bond to said city, to be approved by said council, in the sum of at least five hundred (500) dollars, conditioned for the faithful performance of the duties of his office. It shall be the duty of said officer to attend said court when required by the judge, to execute its orders and to serve all process within the city limits issued therefrom which may be delivered to him for service, and to perform such other duties as may be required by this act, or by any statute of this state relating to court officers. In case of said officer's absence or inability to act, the said judge may appoint any competent person to act temporarily in his place and stead, who shall possess the same powers and perform the same duties as said court officer. The compensation of said court officer shall be fixed by the city council.

SEC. 3. That section eight (8) of said chapter be amended so as to read as follows:

Sec. 8. The judge of the municipal court shall have the custody and care of the books, papers and records of said court. He shall keep minutes of all proceedings and enter all judgments and make up and keep the records of the court. He shall tax all costs and disbursements allowed in any action, receive and collect all fines and

penalties imposed by the court, and fees of every kind accruing to the court, and keep full detailed and accurate accounts of the same, and shall, on the first (1st) Monday of every month, deliver over to the city clerk of said city of Sauk Centre all moneys so received, with detailed account thereof, and take his receipt therefor, and all moneys so collected shall become the property of said city.

SEC. 4. That section nine (9) of said chapter be amended so as to read as follows:

Sec. 9. The municipal court shall hold regular terms for the trial of civil actions on each and every Tuesday, which term shall continue from day to day, with such adjournments as the court may deem proper, until the business of each term shall be finished, and the court may, by order or rule, appoint such terms to be held oftener or at other times than the days above mentioned. The summons shall be served upon the defendant not less than six (6), nor more than thirty (30), days before the term at which the same is made returnable. All civil actions for the recovery of money shall be commenced by summons or writ of attachment to be issued by the judge. Pleadings in said court may be either orally or in writing, as the court may direct, and shall be verified as in courts of justices of the peace, and shall be filed with the judge on the return day of the writ unless otherwise ordered by the judge. If the defendant fails to appear at the time at which the summons or writ is returnable, he shall be defaulted. If the answer contains a counter claim, the plaintiff shall reply thereto. Either party may demur to any pleading of his adversary as in the district court, but all pleadings in this court shall be construed liberally, and the court may for good cause, in its discretion and on such terms as it may deem equitable, open any default within six (6) months after the same is made and may allow any amendment of any pleading at any time, and shall disregard variance between the allegations of a pleading and the evidence unless satisfied that the adverse party is prejudiced thereby. Either party shall be entitled to a continuance of any civil action, except in case of the proceedings under the provisions of Chapter eighty-four (84), General Statutes of Minnesota, until the next term of the court following the term at which the summons or writ shall be returnable, and further continuance may be granted upon sufficient cause shown and on such terms as may be just. Said court shall have authority to provide, by rule or order, that the plaintiff in any civil action shall, by bond, recognizance or deposit of money with the court, give security for costs and disbursements in such sum as the court may designate by such rule or order, before any summons or other process shall issue in the action, or at any other time. The counter claim may be such a one as could be interposed in district court.

SEC. 5. That section fifteen (15) of said chapter be amended so as to read as follows:

Sec. 15. Disbursements shall be allowed to the prevailing party in all civil actions in said municipal court, to be taxed on such notice as the court may by rule prescribe. Costs to be taxed as aforesaid shall also be allowed the prevailing party in civil actions, when he appears by attorney, as follows: To the plaintiff on judgment by default, when the amount of the judgment, exclusive of costs and disbursements, or the value of the property recovered exceeds fifty (50) dollars, five (5) dollars; in other default cases, three (3) dollars. To the plaintiff, on

a judgment in his favor after issue joined, when the amount of the judgment, exclusive of costs and disbursements, or the value of the property recovered is less than fifty (50) dollars, three (3) dollars. When such amount or value is not less than fifty (50) dollars, nor greater than one hundred (100) dollars, five (5) dollars. When such amount or value exceeds one hundred (100) dollars, ten (10) dollars.

To the defendant, on dismissal of the action after issue joined and before trial, when the amount claimed by the plaintiff or the value of the property sought to be recovered, as alleged in the complaint, exceeds fifty (50) dollars, five (5) dollars; in other cases of dismissal or discontinuance, three (3) dollars. To the defendant, on a judgment in his favor, after a trial on the merits, when the amount claimed by the plaintiff or the value of the property sought to be recovered, as alleged in the complaint, does not exceed fifty (50) dollars, three (3) dollars. When such amount or value is not less than fifty (50) dollars, nor greater than one hundred (100) dollars, five (5) dollars. When the amount or value exceeds one hundred (100) dollars, ten (10) dollars.

The disbursements shall be stated in detail and verified by affidavit, which shall be filed.

SEC. 6. That section twenty (20) of said chapter be amended by striking out the words and figures, "one thousand (1,000) dollars," where the same occur in said section, and inserting in lieu thereof, the words and figures, "eight hundred (800) dollars."

SEC. 7. That section twenty-one (21) of said chapter be amended so as to read as follows:

Sec. 21. The court officer and all police officers of the said city of Sauk Centre are hereby vested with all the powers of constables under the statutes of Minnesota as well as at common law, and the said court officer and all police officers, in making service of any process or writ, or doing other duty in respect to causes in said court, shall note and return to the court for collection such fees as are or hereafter may be allowed to constables for like services in justices' courts, and all fees charged by the judge or by the court officer, or any police officer of said city, for services performed by him within the corporate limits of said city, shall be collected by the judge as costs and by him be accounted for and paid over to the city clerk of said city as hereinbefore provided; and no police officer of said city, nor the court officer of said municipal court, shall receive for any services by him performed in said court, or in executing its orders, process, warrants or writs within the corporate limits of said city of Sauk Centre, 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 said municipal court for the use of the said city.

SEC. 8. That section twenty-two (22) of said chapter be amended so as to read as follows:

Sec. 22. The judge of said municipal court may practice in any of the other courts of this state, and in case of sickness, absence or other cause requiring his absence, he may procure any competent and disinterested attorney of said city to act for him. Such attorneys so called in shall have all the powers possessed by the municipal judge in such matter, or during such time as he may by written order of such municipal judge be requested so to act, and the compensation of such

special judge when paid by the city shall be deducted from the salary of the judge of the municipal court. Prior to the entry of such appointed person upon the discharge of such judicial functions, the judge shall enter a full copy of such order in the records of the court.

SEC. 9. That section twenty-eight (28) of said chapter be amended so as to read as follows:

Sec. 28. Said court shall receive the following fees, which shall be taxed and collected by the judge in all cases where applicable:

For a summons, garnishee summons or subpoena, fifty (50) cents.

For a writ of attachment or replevin, one (1) dollar.

For entering a judgment for one hundred (100) dollars or less, fifty (50) cents, and for each one hundred (100) dollars or fraction thereof in excess of the first one hundred (100) dollars, seventy-five (75) cents.

For a transcript of judgment, fifty (50) cents.

For all other services performed by said court in any cause the same fees shall be charged and collected as aforesaid as are now or hereafter may be allowed by law to justices of the peace for like services. All sums due the court in any manner, in any civil action, shall be paid to the court before judgment shall be entered therein.

SEC. 10. That section thirty-one (31) of said chapter be and the same is hereby repealed.

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

Approved March 17, 1891.

CHAPTER 155.

[S. F. No. 738.]

AN ACT TO REPEAL SECTION TEN (10) OF AN ACT ENTITLED "AN ACT TO AMEND CHAPTER FIFTEEN (15) OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND EIGHTY-NINE (1889)," ENTITLED AN ACT ESTABLISHING A MUNICIPAL COURT IN THE CITY OF SAUK CENTRE.

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

SECTION 1. That section ten (10) of an act of this legislature known as senate file number three hundred and seventy (370), approved March seventeenth (17th), A. D. eighteen hundred and ninety-one (1891), entitled An act to amend Chapter fifteen (15) of the Special Laws of eighteen hundred and eighty-nine (1889), entitled An act establishing a municipal court in the city of Sauk Centre, be and the same is hereby repealed.

SEC. 2. That section thirty-one (31) of said Chapter fifteen (15) of said Special Laws of eighteen hundred and eighty-nine (1889), which was repealed by said section ten (10) of said senate file number three hundred and seventy (370), be and the same is hereby re-enacted, as herein modified, as follows:

Sec. 31. That in any civil action brought in said court, except in cases where a justice court has, or would have, jurisdiction, the de-