

**Section 1. Secretary of State to take acknowledgments and administer oaths.**—The secretary of state shall have power to administer oaths and take acknowledgments and to certify the same, appending the great seal of the state as the seal of his office.

**Sec. 2. Acts legalized.**—All oaths heretofore administered and acknowledgments heretofore taken by any secretary of state, and all instruments bearing such oaths or acknowledgments and the records of such instruments and of all such oaths or acknowledgments, where the same have been recorded as provided by law, are hereby legalized and made valid and effectual for all purposes as if such oaths have been administered or acknowledgments taken by an officer duly authorized by law; provided, that the provisions of this section shall not apply to or affect any action or proceeding now pending in any court of this state.

**Sec. 3.** This act shall take effect and be in force from and after its passage.

Approved March 22, 1927.

---

#### CHAPTER 61—S. F. No. 62

*An act to consolidate and amend the several acts and amendments relating to the Municipal Court of the City of Mankato, Blue Earth County, Minnesota.*

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

**Section 1. Title of act.**—The act entitled "An act to establish a municipal court in the City of Mankato, Blue Earth County, Minnesota" approved March 7, 1885, and the subsequent acts of the Legislature amending the same are hereby consolidated and amended so as to read as follows:

**Sec. 2. Jurisdiction—civil.**—There is hereby established in the City of Mankato, in the County of Blue Earth, 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 amounts in controversy do not exceed one thousand (1,000) dollars. It shall have jurisdiction to hear, try and determine actions for the enforcement of all liens against personal property wherein the amount or amounts in controversy do not exceed one thousand (1,000) dollars. 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 except as herein

expressly provided; nor cases involving the title to real estate except in actions of forcible entry and unlawful detainer; nor for false imprisonment, libel, slander, malicious prosecution, criminal conversations or seduction, or upon a promise to marry; and when in any cause pending in said court a counter claim in excess of one thousand (1,000) dollars over plaintiff's claim, or a purely equitable defense or ground for purely equitable relief is interposed, or whenever it shall appear from the pleadings or upon the trial of any cause that the title to real estate is involved, except in actions of forcible entry and unlawful detainer, the said court shall immediately cause an entry of the facts to be made of record, and cease all further proceedings in the cause, and order the clerk to certify and return to the district court in and for the county of Blue Earth, a transcript of all entries made in the record relating to the cause, together with all process and papers relating to the cause, and the clerk shall within ten (10) days after being so ordered make such certificate and return; and thereupon said district court shall proceed in the cause to final judgment and execution the same as if said cause had been commenced in said district court, as near as may be, and the costs shall abide the event of the action; provided, the clerk of said municipal court shall not make said certificate or return, until the costs chargeable by the clerk in favor of the city have been paid.

Sec. 3. **Jurisdiction—criminal.**—Said court 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 Mankato, heretofore cognizable before a justice of the peace. It shall also have concurrent jurisdiction with the district courts of this state to hear, try and determine, upon information duly made and filed therein, all criminal charges or offenses committed in or triable in the said county of Blue Earth, where the maximum punishment prescribed by law, or by the charter, ordinances, or by-laws of said city of Mankato, is imprisonment in the state prison or county jail for not more than one year, or by a fine of not more than one thousand (1,000) dollars or by both.

Sec. 4. **Same.**—The said municipal court is hereby fully invested with authority and power to issue all necessary and convenient writs and process and to do and perform all other acts necessary or convenient to carry into effect the jurisdiction conferred upon it; and over cases within its jurisdiction it is hereby invested with all the powers possessed by district courts of this state over cases within their jurisdiction, and all laws of a general nature which apply to district court, not inconsistent with its jurisdiction and powers, shall apply to said municipal court. *The territorial jurisdiction of said mu-*

*municipal court shall be co-extensive with and limited to the County of Blue Earth.*

**Sec. 5. Election and term of office.**—The qualified electors of the city of Mankato shall, at the general city election to be holden on the first (1st) Tuesday in April, in the year one thousand nine hundred and twenty-seven (1927) and on the day of the general city election every fourth (4th) year thereafter, elect a suitable person, with the qualifications mentioned, to the office of judge of said municipal court, to be called "Municipal Judge," who shall hold his office for the term of four (4) years, 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 qualified person to said office until the next regular city election, occurring more than thirty (30) days after the vacancy shall have happened, when a judge shall be elected for a full term of four (4) years.

**Sec. 6. Qualifications and duties of judge.**—The judge of the municipal court shall be a resident of the city of Mankato, and a qualified elector therein, a person learned in the law and duly admitted to practice as an attorney in 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 Secretary of State of the state of Minnesota. He shall have the general powers of judges of courts of record, and may administer oaths and take and certify acknowledgments in all cases, and as a conservator of the peace shall have all power and authority which is by law vested in the justices of the peace, or any other judicial officer. Nothing in this act shall be so construed as to disqualify or prevent the municipal judge from practicing as an attorney or counsellor in any court of this state, except in said municipal court. In all actions or proceedings in the district court of Blue Earth county, wherein the judge of said court may enter a trial of said actions or proceedings, the same may be referred to the said municipal judge to hear, try and determine, or report the evidence thereon as may be ordered or agreed upon, and said judge so acting as referee shall be entitled to the same fee for said services as other referees. He may accept said reference with all the powers of a referee.

**Sec. 7. Special judge.**—There shall be one (1) special judge of said municipal court, whose manner of election, term of office, powers, duties and qualifications shall be the same as those of municipal judge, except as otherwise provided in this act, and his successor shall be elected and vacancies in his office filled in like manner. At the request of the municipal

judge, or in case of the absence, sickness or disqualification of the municipal judge, the said special judge shall act as judge of said court. When the special judge so acts at the request of the municipal judge, the said special judge and the municipal judge may each have and exercise the powers of said court. The said special judge shall not act on the trial or examination of any case except as above provided, and such special judge acting as judge of said court, shall receive compensation from the city at the rate of five (5) dollars per day, and when said special judge shall act for any other cause than the sickness or disqualification of said municipal judge, five (5) dollars per day for each day that said special judge shall so act shall be deducted from the salary of said municipal judge. This section shall not incapacitate such special judge from acting as attorney in said court; but when such judge is acting as judge of said court, he shall take no action in such case, save to adjourn the same.

**Sec. 8. Practice and procedure.**—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 to it by law, and its judgments and its other determinations, and it shall have and possess all the powers usually possessed by court of record at common law, subject to modifications of the statutes of this state, applicable to courts of record, except that it shall not have jurisdiction to issue writ of HABEAS CORPUS; QUO WARRANTO, NE EXEAT, MANDAMUS, prohibition or injunction. All process, except as herein otherwise provided, shall be attested in the name of the judge, and be 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 form may be changed by the court from time to time in the absence of such prescribed forms of process in use either in courts of record of 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 Mankato, or to the sheriff or any constable of said Blue Earth county, except as herein otherwise provided.

**Sec. 9. Same.**—The municipal court shall be held in the city of Mankato at some suitable place to be provided therefor by the city. Its judge 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

causes 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 Blue Earth, or of the ordinances, laws, regulations or by-laws of said city. The clerk of said court shall keep a record of all its proceedings, and enter all orders, judgments and sentences under the supervision of the judge, and issue commitments and executions as well as all other process.

**Sec. 10. Same.**—The municipal court shall hold regular terms for the trial of civil actions, on the second (2nd) Tuesday of every month, which terms shall continue from day to day, with such adjournments as to the court may seem proper, until the business of each term shall be 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. 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. The time within which any act is to be done shall be one-half of the statutory period prescribed in district court proceedings provided, that no such period shall be less than three (3) days; that two days' notice of taxation of costs shall be given; 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; the time within which motions for new trials and appeals may be made or taken shall be the same as in the district court; the practice and proceedings in actions of forcible entry and unlawful detainer shall be the same as in justice court, except that the summons shall be issued by the clerk and the judge in his discretion may fix return days for such actions, other than the regular term days of said court. All the general laws of the State of Minnesota, not inconsistent with the provisions of this act, relative to forcible entries and unlawful detainers shall apply to said municipal court. The notice required for the taking of depositions to be used in said court shall be the same as in the district courts of this state; defaults may be opened and judgments and orders set aside or modified for good cause shown and on such terms as the court may deem equitable within sixty (60) days after the party affected thereby shall have notice or knowledge of the same. The summons in this court shall be served in the same manner as prescribed by statute for service of summons in district court in all cases or claims where this court has jurisdiction. Either party shall be entitled to one continuance of a civil action, as of right except actions for forcible entry and

unlawful detainer, until the next general term of the court following the term for which it is first noticed for trial.

**Sec. 11. Security for costs—costs.**—Said court shall have authority to provide that the plaintiff in any civil action in which a justice of the peace would have jurisdiction, and when the amount is beyond the jurisdiction of a justice of the peace when the plaintiff is a non-resident of this state, shall, by bond, recognizance or deposit of money with the clerk, give security for costs in such sum as the court may designate; when the plaintiff in any cause shall neglect or refuse to give such security when so ordered, within a time to be designated by the court, the court may dismiss such cause at the cost of said plaintiff. Costs are allowed to the prevailing party, in actions determined in said municipal court, as follows: To the plaintiff, upon a judgment in his favor of fifty dollars or more in an action for the recovery of money only, when no issue of law or fact is joined, five dollars; when issue is joined, ten dollars; in all other actions, five dollars. To the defendant, upon discontinuance or dismissal, five dollars; upon a judgment in his favor upon the merits, five dollars; and, if the amount of plaintiff's claim be fifty dollars or more, ten dollars. In all cases the prevailing party shall be allowed his disbursements.

**Sec. 12. Clerk—qualifications and duties.**—The city clerk of the city of Mankato, shall be EX-OFFICIO clerk of said court. 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 Mankato a penal bond in the sum of one thousand (1,000) dollars, with proper surety, approved by the mayor of said city of Mankato, conditioned that he will account to and pay over to the 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 have come into his hands in virtue or by reason of his said office. Such oath and bond shall be filed in the office of the Secretary of State of the state of Minnesota.

**Sec. 13. Same.**—The clerk of the municipal court shall have the custody and care of all the books, papers and records of said court. He shall be present at all trials, unless absent from sickness or with the consent of the judge; and in case of his absence the judge may appoint some person temporarily in his place. He may swear all witnesses and jurors and administer

all oaths and take acknowledgments. He shall keep minutes of all proceedings and enter all judgments, and make up and keep the records of the court, under the directions of the judge. He shall tax all costs and disbursements allowed in any action, subject to review by the judge, and do all other things and acts necessary or proper to the enforcing and carrying out of the jurisdiction of the municipal court, and when the judge is not present adjourn the court from day to day. He shall receive all fines and penalties and all fees of every kind according to the court or clerk, and keep full, accurate and detailed accounts of the same; and shall, on the first (1st) Monday of every month, deliver and pay over to the city treasurer of the city of Mankato, all moneys so received, with detailed accounts thereof, under oath.

**Sec. 14. Deputy Clerk.**—The clerk of said court may, when he deems the same necessary, appoint, with the sanction of the judge, a deputy clerk of said municipal court, for whose acts the said clerk shall be responsible; and said deputy shall be appointed under the hand of said clerk and seal of said court, with the sanction of said judge, indorsed 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, which oath, together with the appointment of such deputy clerk, shall be filed in the office of Secretary of State of the state of Minnesota, and the clerk of said court or the judge thereof may at any time remove any deputy appointed under the provisions of this act. The deputy clerk of said court shall receive no compensation from the city of Mankato. The said deputy clerk may administer oaths, take acknowledgments, and perform all the duties pertaining to the office of clerk of said court.

**Sec. 15. Attachment—practice and procedure.**—Any creditor desiring to proceed by attachment in said court, may at the time of commencing the action, or thereafter and while the 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 application for a writ of attachment in district court, and also cause to be filed with the clerk a bond, with sufficient sureties, to be approved by the judge and similar to the bond required on like applications in district court. In all respects, save as in this act otherwise provided, the issuance and service of the writ and other proceedings thereon shall be similar, as near as may be, to the issuance and service of such writ and proceedings in district courts. Writs of attachment may be directed to any police officer of the city of

Mankato, or to the sheriff or any constable of said Blue Earth county.

**Sec. 16. Replevin—practice and procedure.**—In an action to recover the possession of personal property, the statutes governing the commencement, pleading, practice and procedure in the district court of this State shall govern so far as the same may be applicable, except, however, as in this act otherwise provided. The court shall, however, in such cases approve the bond required in such actions, which bond shall be similar to the bond required in district court.

**Sec. 17. Same.**—The defendant may except to the sufficiency of the plaintiff's sureties within the same time and in the same manner as in proceedings of claim and delivery of personal property in district court and when defendant so excepts, the same proceedings shall be had as in like actions in district court, except that the jurisdiction of sureties shall be had before the judge of said municipal court or the special judge thereof and no other. The qualifications of sureties shall be the same as required for sureties in like actions in district court.

**Sec. 18. Garnishments—practice and procedure.**—Proceedings against garnishees may be instituted in the same manner as in district courts except as herein otherwise provided; the summons may be served either by any officer authorized by this act to serve process or by any person not a party to the action, at any place within the state of Minnesota; and the summons may be made returnable at any term of said municipal court which may be named therein. 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, except that the examination of the garnishee shall be before the acting judge of said court. The minimum indebtedness and recovery, however, shall be the same as in justice courts.

**Sec. 19. Calendar of Causes.**—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 disposition before the court at such term, adopting such arrangement as the judge may direct; and the court shall direct the order of trial, and other disposition of causes.

**Sec. 20. Jury selection, practice and procedure—reporter.**—Trial by jury in the municipal court shall in all respects, except as herein otherwise provided, be conducted as in the district courts of this state; and all laws of a general nature applicable to jury trials in said district courts shall apply to said municipal court. Jurors for said municipal court shall be provided and drawn, however, in the following manner, to-wit: The pre-

siding judge of said municipal court, together with the mayor and city clerk of said city of Mankato shall on the first Monday of February, of May, August and November in each year, at the office of the clerk of said court, meet and from the legal voters of said city select and designate seventy-two (72) legal voters of said city as the jurors of said municipal court, to serve therein when required and drawn, during the succeeding three months and until their successors are elected and certified, and shall thereupon certify said names so elected 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 whenever a jury is required in said court, shall thereupon, by lot, draw thirty (30) ballots, or in case a jury of six (6) is agreed upon by both parties to the pending action, in the same manner as in justice court, he shall draw twenty-four (24) ballots therefrom, and shall make a list thereof, from which list each party shall strike off nine (9) names, in the same manner as in striking a jury in courts of justices of the peace in this state, and in case of the neglect or refusal of either or both parties so to strike, the judge shall strike out the names for either or both. The twelve (12), or in case of a jury of six (6), the six persons whose names remain on said list shall be summoned to attend the trial of the cause wherein they were drawn; and shall constitute the jury unless some of said jurors shall be excused or successfully challenged for cause, in which case the clerk shall successively draw the names of other jurors from the box, until the jury is full, allowing, however, to each party, as many peremptory challenges to such additionally drawn jurors as there shall remain, after said first striking, jurors to be drawn. When said drawing shall be finished those jurors last drawn shall be summoned, and if any of the last drawn jurors are excused or successfully challenged, others shall be drawn and summoned in like manner until the jury is full, allowing to each party in each drawing as many peremptory challenges as at said drawing there shall remain jurors to be drawn. No talesman shall be summoned in any cause in said court until the regular panel shall all have been exhausted; after the jury shall be complete the clerk shall return to the box the names of all persons, except those who constitute the jury as finally struck. The names of those who serve as jurors shall not be returned to the box until all the names in said box shall be drawn. The failure to select and designate the jurors at the time herein provided shall not be available as a cause of challenge to the panel of said jurors except to a party who shall show himself to be prejudiced thereby, and all technical and immaterial irregularities not shown to be prejudicial in the composition and prep-

aration of the jury panel shall be disregarded and shall not be a cause for a challenge. Jurors in this court when serving as such on the trial of any action shall receive the same compensation as jurors in justices' court. Provided that in all civil and criminal cases beyond the jurisdiction of a justice of the peace, the fees of jurors, if a jury trial shall be had, shall be the same as in the district court in Blue Earth County, and shall be paid out of the county treasury of said Blue Earth County the same as in the district court. The chief of police of said city of Mankato, as part of his official duties, shall properly serve all venirees issued in such civil and criminal cases beyond the jurisdiction of a justice of the peace without any fees or charges. 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 services 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 in all cases beyond the jurisdiction of a justice of the peace and in the examination of offenders charged with offenses other than misdemeanors the court shall, upon the request of either party, appoint a reporter to take down in shorthand the proceedings and evidence therein, the reporter to be paid by Blue Earth County, at the rate of three dollars per half day or five dollars per day for such services, and on request of either party, to transcribe his notes of such proceedings and evidence, at the rate of eight cents per folio for the original transcript, and two cents per folio for each additional of such transcript; the original to be filed with the clerk of said court; the cost of such transcript to be paid by the party requesting the same.

**Sec. 21. Appeal.**—All causes may be removed from 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 the district court.

**Sec. 22. Change of venue.**—*The provisions contained in Section 9219, General Statutes, 1923, relating to change of venue, shall apply to all civil actions begun in said court.*

**Sec. 23. Bail.**—Said municipal court is hereby authorized to accept and receive cash bail for the appearance of any person arrested and brought before such court charged with the commission of a crime. The court shall by order fix the amount of such cash bail but the amount so fixed shall in no case exceed the amount of the highest cash fine provided to be imposed in cases of conviction of the crime with which such

person is charged. As the amount is fixed by the court, the court may from time to time reduce the amount so fixed or increase the same, not to exceed the above mentioned limit, as in its discretion shall be deemed advisable. In all other respects the rules, regulations and laws governing bail and recognizance in criminal cases in district court shall apply so far as the same are not inconsistent with the terms and provisions of this act. This court shall not fix the bail in cases bound over to the district court wherein the maximum penalty provided by law exceeds imprisonment for a period of thirty (30) years, but may admit the accused to bail pending an adjournment of a preliminary hearing in all cases where the maximum punishment is less than life imprisonment.

**Sec. 24. Judgments, executions, transcripts, liens on real estate.**--No judgment rendered in said municipal court shall attach as a lien upon real estate, until a transcript thereof shall be filed in the district court, as hereinafter provided. But writs of execution thereon may issue against the goods and chattels of the judgment debtor, returnable within thirty (30) days. The provisions for issuance and renewals of executions in district court shall apply to this court, except that such renewal shall extend the life of the execution for only thirty (30) days from the date of such renewal, and except that no renewal of such execution shall be made by the clerk until the fee of twenty-five (25) cents therefor shall have been paid. Every person in whose favor a judgment is rendered in said municipal court, for an amount exceeding five (5) dollars besides costs, may, upon paying the fee therefor, demand and shall receive from such clerk a transcript of the docket entries of such judgment, duly certified, and may file the same in the office of the clerk of district court, in and for the county of Blue Earth, who shall file and docket the same as in the case of transcripts of judgments from 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 transcripts, to the same extent as a judgment of said district court, and the execution thereof shall thereafter be exclusively under the control of said district court, and said judgment shall be carried into execution by its process, as if said judgment had been 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 said 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 after the first transcript is issued, give to any party applying therefor, upon such party paying the clerk's fee therefor, a new

transcript, and the clerk shall note the record of each transcript given upon such judgment.

**Sec. 25. Criminal practice and procedure.**—Complaints in criminal cases where the defendant is not in custody, may be made to the judge or clerk in writing, or 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 this state, or of the ordinances, regulations or by-laws of said city; and the clerk shall issue a warrant only upon the order of the judge indorsed upon the complaint, and complaints, warrants, and all 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 without process, the clerk or judge 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 pleas of the defendant shall be guilty or not guilty; in case of failure to plead the clerk shall enter a plea of not guilty and a former acquittal or conviction of 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.

**Sec. 26. Salary, judge and clerk—fees.**—The judges of said court shall receive a salary of two thousand (2,000) dollars per annum, to be paid in equal monthly installments from the treasury of the city of Mankato in like manner as other officers of said city. The clerk of said court shall receive as salary besides the salary received as city clerk five hundred (500) dollars per annum to be paid by the city of Mankato out of the treasury of said city, in monthly installments, in like manner as other officers of said city are paid, and the clerk shall receive no other fees or compensation as such clerk for his services. The clerk shall not enter any judgment in any cause nor perform any services required until his fees therefor shall have been paid. Said clerk shall be liable to the city of Mankato on his bond for all sums accruing to him as fees or costs on any judgment entered by him or for any services rendered by him in any cause for any party thereto after the entry of judgment. Said clerk, upon appeal to the supreme court shall receive the same fees allowed by law to clerks of the district

court for like services. For any services to be performed by the clerks of this court for which no fee is provided, the judge of said court may prescribe a fee by rule. The judge of said court for performing the ceremony of marriages shall receive the same fee as is allowed to justices of the peace for the same services.

**Sec. 27. Judge to hold no other office.**—The judge of said municipal court shall hold no other office created or existing under or by virtue of the laws of the State of Minnesota, except Notary Public, or created or existing under the charter, ordinances or by-laws of the city of Mankato; and said municipal judge, while holding said office, shall have no law partner; but this section shall not apply to the special judge of said court, but when said special judge is acting as judge of said court, his law partner shall not practice before him.

**Sec. 28. Prosecutions by city or county attorney.**—The city attorney of the city of Mankato shall have charge of the prosecution of all criminal cases before said municipal court, wherein the defendant is charged with the violation of the city charter, or any ordinance or by-law of the city of Mankato; and the county attorney of the county of Blue Earth shall act in the prosecution or examination of offenders charged with other offenses, when required by law to prosecute in like cases before a justice of the peace. Whenever any civil or criminal action is pending in the district court of Blue Earth county of which the municipal court would have jurisdiction such action may be tried by said municipal court if the parties so agree and the district judge so orders. Thereupon such action shall be transferred to and tried in said municipal court as though the said action was originally commenced in said municipal court.

**Sec. 29. Service on non-residents.**—*No summons issued by or out of the court shall be served in any county other than the County of Blue Earth except in actions where property of the defendant has been attached in the County of Blue Earth except when it shall be made to appear from the return of the officer that he has attached property in said Blue Earth County, and that the defendant cannot be found therein, and when it shall be made further to appear by affidavit that the defendant resides in another county of this State, the action shall be continued for a period not exceeding twenty (20) days, and the summons shall be served in the same manner as a district court summons, subject, however, to the rights of the defendant for change of venue or place of trial under the provisions of this act.*

**Sec. 30. Fines and penalties.**—All fines and penalties imposed by said municipal court for a violation of any ordinance of said city, or of any law of this state, shall, when collected,

be paid by the clerk of this court into the city treasury and belong to said city of Mankato.

**Sec. 31. Stationery, blanks and supplies.**—The clerk of the municipal court shall, under the direction of the city council, from time to time, procure and furnish all necessary blanks, stationery, record books and office furniture for the use of the court and the officers thereof at the expense of the city of Mankato.

**Sec. 32. Tenure of office of present court officers.**—The judge, special judge and clerk and deputy clerk of the municipal court of said city now holding said offices shall continue and hold the same and be judge, special judge and clerk and deputy clerk of the municipal court as hereby established until the second (2) Tuesday in April in the year one thousand nine hundred and twenty-seven (1927), and until his successor is elected and qualified.

**Sec. 33. Court continuation of former court.**—No justice of peace shall be elected after the passage of this act within the city of Mankato. The dockets, together with all books and papers of the municipal court of the city of Mankato, established by the act approved March 7, A. D., one thousand eight hundred and eighty-five (1885) shall be transferred to this court and all judgments entered therein, and all actions commenced therein, all unfinished business or proceedings therein or appeals therefrom shall be enforced and carried on by this court hereby established in the same manner as if the same were originally entered or commenced therein. And the said municipal court as established by said act of A. D. one thousand eight hundred and eighty-five (1885) is hereby declared a legal and valid court from the seventh (7th) day of March A. D., one thousand eight hundred and eighty-five (1885) to the time of the approval of this act, and all its acts and judgments are hereby declared legal and valid. And it is hereby declared to be the effect of this act that everything in the said municipal court of Mankato, as now existing or pertaining or to appertain thereto or which may arise therefrom, shall be acted on, disposed of and accomplished as fully and completely in the court hereby created as if originally the same therein were commenced whether it be specially or not in the act mentioned. Provided, however, that all actions commenced prior to the approval of this act and pending at the time of its approval which actions have not been reduced to judgment shall be governed by the law governing the municipal court prior to the approval of this act.

**Sec. 34. Future amendments included.**—Whenever reference is made in this act to any law or laws of the State of Minnesota such reference shall be construed to mean such laws

as they exist and are in force at the time of the approval of this act and as such laws may be amended from time to time thereafter.

**Sec. 35. Inconsistent acts repealed.**—All acts or parts of acts or amendments thereto inconsistent herewith are hereby repealed, and the act establishing a municipal court in the city of Mankato, Blue Earth County, Minnesota, approved March seventh (7th), one thousand eight hundred and eighty-five (1885) and all acts amendatory and supplementary thereto is hereby repealed, saving all rights acquired thereunder.

**Sec. 36. Invalidity of one part not to affect balance.**—The various provisions of this act shall be severable and if any part or provision shall be held to be invalid it shall not be held to invalidate any other part or provision hereof.

**Sec. 37.** This act shall take effect and be in force from and after its passage.

Approved March 23, 1927.

---

#### CHAPTER 62—S. F. No. 141

*In act entitled an act to enable each city of the first class of this State now or hereafter having a population of 50,000 inhabitants or more, including each such city now or hereafter operating under a home rule charter adopted under and pursuant to Section 36, Article 4 of the State Constitution, to acquire, either by gift, purchase, condemnation or otherwise, land necessary for a Municipal Flying Field and to equip the same for said purpose, and to provide for the government and the uses thereof, including the leasing of the same for public purposes, the issuance of bonds for acquisition thereof, and the expense of equipping and maintaining the same, and validating proceedings heretofore taken by any such city for such purposes and bonds already issued under such proceedings, and authorizing the issuance of further bonds thereunder.*

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

**Section 1. Acquisition of flying field authorized.**—Each city of the first class of this State now or hereafter having a population of 50,000 inhabitants or more, including each such city now or hereafter operating under a Home Rule Charter adopted under and pursuant to Section 36, Article 4, of the State Constitution action through its City Council, or chief governing body thereof, by whatever name known, or Board of Park Commissioners, is hereby authorized and empowered to acquire from time to time, by purchase, gift, condemnation or otherwise, all land necessary or convenient for the purpose of establishing and maintaining a Municipal Flying Field. Each