

shall be sold in accordance with the provisions of Chapter 10, General Statutes 1923.

Approved March 29, 1927.

CHAPTER 81—S. F. No. 593

*An act to amend Sections 2 and 3 of Chapter 120, General Laws 1925, entitled, "An act to establish a Municipal Court in the City of Faribault, County of Rice, State of Minnesota," and to amend said chapter by adding thereto three new sections to be designated respectively as "Section 4A," "Section 4B," and "Section 4C," and relating respectively to certain fees, fines and forfeitures, and clerk's duties, in said court.*

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

Section 1. **Powers.**—That Section 2 of Chapter 120, General Laws 1925, be and the same hereby is amended so as to read as follows :

"Section 2. Said court shall possess all of the powers and be subject to all of the provisions set forth in that portion of Chapter 5, General Statutes 1923, and acts amendatory thereof and supplemental thereto, relating to municipal courts, *except as in this act otherwise provided.*

Sec. 2. **Jurisdiction.**—That Section 3 of Chapter 120, General Laws 1925, be and the same hereby is amended so as to read as follows :

"Section 3. *Said court shall also have jurisdiction to hear, try and determine civil actions:*

1. *Arising on contract, for the recovery of money only, when the amount claimed does not exceed one thousand dollars;*

2. *For damages for injury to the person or to real property, or for taking, detaining, or injuring personal property, when the amount claimed, or, in replevin, the value of the property in controversy, does not exceed one thousand dollars;*

3. *For a penalty given by statute, not exceeding one thousand dollars, or upon a bond conditioned for the payment of money, whatever the penalty thereof, when the amount claimed does not exceed one thousand dollars;*

4. *On an official bond, or any bond taken in said municipal court, if the penalty does not exceed one thousand dollars;*

5. *For forcible entry and unlawful detainer, whether involving the title to real estate or not.*

*It may also take and enter judgments by confession to an amount not exceeding one thousand dollars, and shall have all the powers and jurisdiction, civil and criminal, of courts of justices of the peace.*

*No justice of the peace shall have jurisdiction of offenses committed in the city of Faribault, but all such offenses otherwise cognizable by a justice shall be tried or examined by the municipal court of said city or the judge thereof, and said municipal court or the judge thereof shall have jurisdiction concurrently with the justices of all offenses committed elsewhere within the county of Rice. All such cases arising under the charter, ordinances or by-laws of said city shall be tried by said court without a jury. In all such cases not within the trial jurisdiction of a justice, commenced in said court, a preliminary examination shall be had or waived before the judge of said court, and the clerk shall keep such minutes of the examination as the judge may direct and make return to the court before which the party charged may be bound to appear, and said judge may bind such party to appear before said municipal court.*

Said court 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 Rice, where the *maximum* punishment prescribed by law, or by the charter, ordinances or by-laws of said city of Faribault, 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 dollars, or by both; and 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 courts, not inconsistent with its jurisdiction and powers, shall apply to said municipal court."

**Sec. 3. Fees.**—That Chapter 120, General Laws 1925, be and the same hereby is amended by adding thereto after Section 4 thereof a new section designated as "Section 4.A" as follows:

*Section 4.1. In all cases witness fees shall be the same as are allowed by law in the district court and each juror sworn as such shall be paid four dollars per day out of the treasury of the county of Rice, upon a certificate issued to him by the clerk at the time of his discharge, and in criminal cases arising under the laws of the state witnesses for the prosecution shall be paid by the county of Rice upon certificates issued by the clerk, and witnesses for the defense in such cases may be paid in like manner when the court shall so direct, and when any certificate issued as herein provided shall be filed with the auditor of said county, said auditor shall issue his warrant on the treasurer of said county for the amount*

*therein specified as due, and said certificate shall be a proper and sufficient voucher for the issuance of such warrant.*

*In all cases the fees of the clerk shall be the same as are allowed by law to the clerk of the district court in the county of Rice and they shall be deposited and paid as provided by law for the deposit and payment of fees of the clerk of said district court, and in any proceeding on a complaint or information for the violation of any law of the state the fees of the clerk shall be a charge upon the county of Rice, and for any such fee not otherwise paid said clerk may file with the auditor of said county a verified statement showing the amount thereof due, and said auditor shall issue his warrant on the treasurer of said county for said amount, and said statement shall be a proper and sufficient voucher for the issuance of such warrant."*

**Sec. 4. Fines and Forfeitures.**—That Chapter 120, General Laws 1925, be and the same hereby is amended by adding thereto after Section 4 thereof a new section designated as "Section 4B" as follows:

*"Section 4B. All fines and forfeitures imposed by said municipal court for violations of the laws of this state shall be paid into the treasury of and belong to said city; provided that said city shall pay into the treasury of the county of Rice half of all moneys received on account of fines so imposed for the violation of any law of this state relating to intoxicating liquor, and shall pay as directed by the court all moneys received on account of fines and forfeitures so imposed and specially granted or appropriated by law."*

**Sec. 5. Clerk's Duties.**—That Chapter 120, General Laws 1925, be and the same hereby is amended by adding thereto after Section 4 thereof a new section designated as "Section 4C" as follows:

*"Section 4C. The clerk shall receive all fines, deposits, penalties, and other moneys paid into court and shall keep detailed accounts thereof and shall, on the first Monday of each month, pay to the treasurer of said city all money then in his hands, except such fees as he is entitled to retain as part of his compensation and except money held subject to the order of the court, and shall at the same time file with said treasurer a verified report showing:*

- 1. The names of all persons convicted in said court during the preceding month and the nature of the offense;*
- 2. The fine or other punishment imposed upon each;*
- 3. The amount paid by each."*

**Sec. 6. Effective May 1, 1927.**—This act shall take effect and be in force from and after May 1, 1927.

Approved March 29, 1927.