

ting upon their respective lots and parcels of land, but such owners are hereby declared to be liable for all damages to whomsoever resulting, arising from their fault or evident neglect in not keeping any such sidewalk in good repair and in a safe, passable condition; and no action shall be commenced or maintained against the city of New Ulm by any person injured through or by means of any defect in any sidewalk, unless the owner of the land along which such sidewalk was so defective, is joined in said suit as a party defendant; and in case of judgment against the defendants in such action, execution shall at first issue only against the defendant owning such land, and the city shall not be required to take steps to pay such judgment until such execution shall be returned unsatisfied; and if said city shall pay such judgment, it shall become the owner of the same, and may enforce payment of the same from the other defendant and shall be entitled to execution therein against him [and] to take such other proceedings as judgment creditors are entitled to take.

SEC. 9. This act is hereby declared to be a public act and may be read in evidence in all courts of law in this state without proof.

SEC. 10. All acts or parts of acts inconsistent with this act are hereby repealed.

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

Approved March 3, 1883.

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## CHAPTER 5.

AN ACT TO AMEND THE CHARTER OF THE CITY OF HASTINGS, MINNESOTA, ESTABLISHING A MUNICIPAL COURT IN SAID CITY.

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

SECTION 1. There shall be established in the city of Hastings, in the county of Dakota, a municipal court for the transaction of all business which may lawfully come before it.

SEC. 2. *Clerk—Seal—Jurisdiction of Court.*—Said court shall have a clerk and seal, and shall have in addition to the jurisdiction and powers now conferred by the general laws of this state upon justices of the peace, and the powers conferred by this charter, cognizance of, and jurisdiction to hear, try and determine civil actions or proceedings where the amount in controversy does not exceed five hundred dollars (\$500), or where in case the action is for the recovery of personal property, the value of such property as alleged in the complaint or answer, does not exceed five hundred dollars (\$500); *Provided, however,*

That such cognizance and jurisdiction shall only extend to actions of the same nature and character, save as to amount, now or hereafter cognizable before a justice of the peace; and *Provided further*, That where a counter-claim in excess of five hundred dollars (\$500) over plaintiff's claim, or where any equitable defence or ground for equitable relief, of a nature not cognizable before a justice of the peace, is interposed, or where it appears that the title to real estate is invalid, the said court shall immediately cause an entry of the fact to be made of record, and cease all further proceedings in the cause, and certify and return to the district court of the county of Dakota a transcript of all entries made in the record relating to the case, together with all process and other papers relating to the suit, in the same manner and within the same time as upon an appeal from justice's court; and thereupon the said district court shall proceed in the cause to final judgment and execution according to law, the same as if the said suit had been originally commenced in said court, and the costs shall abide the event of the suit, except that the plaintiff shall advance the costs of the said municipal court in the suit.

SEC. 3. There shall be elected at the general city election in April in the year one thousand eight hundred and eighty-four (1884) in said city, and every second year thereafter, a suitable person with the qualifications hereinafter mentioned, to the office of judge of said court, to be called "municipal judge," who shall hold his office for the term of two (2) years, and until his successor is elected and qualified. In case of any vacancy in the office of municipal judge, occurring after such election in the year one thousand eight hundred and eighty-four (1884), the Governor of the state of Minnesota shall appoint to fill the vacancy, some person qualified as hereinafter mentioned, who shall hold his office until his successor is elected and qualified. At the next annual city election occurring more than thirty (30) days after a vacancy in said office shall have happened, a judge of said court, qualified as aforesaid, shall be elected for the full term and until his successor is elected and qualified. In case the said vacancy shall have occurred within a period of thirty (30) days before the general city election, then the said judge shall be elected at the general city election in the year following that in which the vacancy shall have happened, for the said full term, and until his successor is elected and qualified.

SEC. 4. Every judge of said court shall be a resident of the city of Hastings, and a person 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. The 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 conservator of the peace, shall have all powers and authority which is by law vested in justices of the peace, or any other judicial officer.

SEC. 5. The clerk of the district court shall be ex-officio clerk of said municipal 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 Hastings a penal bond in such sum and with such sureties as the council shall direct and approve, conditioned that he will account to and pay over to the treasurer of said city, on the first Monday of every month, all fines, penalties, fees and other moneys belonging [to] or to go to said city, which may have come into his hands during the month next preceding; and that he will at all times pay over to all other persons, on demand, all moneys to which they may be entitled, which may have come into his hands in virtue or by reason of his office. Such oath and bond shall be filed in the office of the treasurer of said city. Such clerk shall have power to appoint, subject to the approval of the judge, a deputy clerk, with the like powers of the clerk, for whose acts the said clerk shall be responsible.

SEC. 6. The municipal court shall have full power and authority to issue all process, civil and criminal, necessary and proper to carry into effect the jurisdiction given it by law, and its judgments and other determinations. And it shall have and possess all [the] powers usually possessed by courts of record at common law, subject to modifications of the statutes of this state applicable to courts of record, except that it shall not have jurisdiction to issue writs of habeas corpus, quo warranto, ne exeat, mandamus, prohibition or injunction. It shall also have all the powers and jurisdiction conferred on justices of the peace by chapter eighty-four (84), General Statutes, and the proceedings shall be the same as therein provided, except that no appeal shall be allowed except to the district court. All process shall be tested in the name of the judge, and issued under the seal of the court and signed by the clerk, who shall be styled "clerk." And the forms of process may be prescribed by the court, by rule or otherwise, and any form so prescribed shall be valid and sufficient, and such forms may be changed by the court from time to time. In the absence or such prescribed form, the forms of process in use, either in courts of record in this state, or by justices of the peace, may be changed and adopted to the style of the court, and used at the discretion of the court or clerk. Process may be directed for service to the chief of police of the city of Hastings, or to the sheriff or any constable of said county, and may be served the same as a summons in the district court, and service by publication may be ordered and made in like manner.

SEC. 7. The said municipal court shall be held in the city of Hastings, at some suitable place to be provided therefor by the city council. Its judge shall be the chief magistrate of the city, and shall see that the criminal laws of the state, and the ordinances, laws, regulations and by-laws of said city are observed and executed, and for that purpose shall open his court every morning (Sundays and legal holidays excepted), and proceed to hear and dispose of in a summary manner, all cases which shall be brought before him by the police officers of the city, or otherwise, either with or without process for violation of the ordinances, laws, regulations or by-laws of said city. The clerk of the court shall keep a record of all proceedings, and enter all orders, judgments and sentences, under the supervision of the judge, and issue commitments and executions as well as all other process.

SEC. 8 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, by himself or deputy, at all trials, unless absent from sickness or by consent of the judge; and in case of the absence of both clerk and deputy, the judge may appoint some person temporarily to the position. He may swear all witnesses and jurors and administer all oaths and affidavits, 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 direction of the judge, and when the judge is not present, adjourn the court from day to day. 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 the jurisdiction of the municipal court. He shall receive and collect 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 the first (1st) Monday of every month, deliver over to the city treasurer of the city of Hastings moneys so received, with detailed accounts thereof, and take his receipt therefor.

SEC. 9. The municipal court shall hold regular terms for the trial of civil actions, on the first (1st) and third (3d) Tuesdays 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 order or rule appoint such terms to be held oftener, or upon other days than the days above mentioned. All civil actions for the recovery of money only, shall be commenced by summons or by writ of attachment to be issued by the clerk. The form of the summons may be as follows:

STATE OF MINNESOTA, )	MUNICIPAL COURT,	
County of Dakota. )	} ss.	City of Hastings.
The State of Minnesota to the chief of police of the city of Hastings, or the sheriff or any constable of said county:		
You are hereby commanded to summon _____ if _____ shall be found within the county of Dakota, to be and appear before the municipal court of the city of Hastings at a term thereof to be holden on Tuesday the _____ day of _____ A. D. _____ at the opening of the court, and answer to _____ whose complaint is on file in said court, and have you then and there this writ. The amount claimed by the plaintiff is the sum of _____ dollars and _____ cents, and interest thereon from and since the _____ day of _____ A. D. 18____, at the rate of _____ per cent. per annum.		

Witness the Honorable \_\_\_\_\_ Municipal judge,  
 this day of \_\_\_\_\_ A. D. 18\_\_\_\_ .  
 [L. S.] \_\_\_\_\_ Clerk of the Municipal Court.

The summons may be served by any indifferent person. Or the summons may be in any other form which the court may by rule prescribe, and shall be served upon the defendant at least six (6) days before the term at which the same is made returnable. No summons shall issue until the complaint in the action shall be made and filed with the clerk. The complaint may be presented in writing, to be filed, or may be made orally and reduced to writing by the clerk. If the defendant fails to appear at the opening of the court on the day at

which the summons is returnable, he shall be defaulted; if he so appear, he shall then, or at such time as the court may designate, answer the plaintiff's complaint; and if the answer contains a counter-claim, the plaintiff shall reply thereto forthwith, or at such time as the court may designate. The answer or reply may be presented in writing, or made orally, and reduced to writing by the clerk, and each of such pleadings shall be verified by the party, or his agent or attorney, as in courts of justices of the peace. Either party may demur to any pleadings of his adversary, or 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 the case of 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 shall be returnable; and further continuance may be granted upon sufficient cause shown, and on such terms as may be just. Said court shall also have authority to provide by rule that the plaintiff in any civil action shall, by bond, recognizance, or deposit of money with the clerk, give security for costs, in such sum as the court may designate by such rule, before any summons or other process shall issue in the action, or at any other time. The counter-claim in the defendant's answer may be such a one as could be interposed in the district court.

SEC. 10. Any creditor desiring to proceed by attachment in said court shall, by himself, his agent or attorney, make and file his complaint in writing, together with an affidavit similar to the affidavit required by law in an application for a writ of attachment in justice's court, and also cause to be filed a bond with sufficient surety to be approved by the judge, and similar to the bond required on a like application in justice's court, except that the limit of liability thereon shall be mentioned therein as not exceeding two hundred dollars (\$200). The writ of attachment may be in form as follows:

STATE OF MINNESOTA, )	CITY OF HASTINGS,
County of Dakota. )	Municipal Court.
	ss.

The State of Minnesota to the chief of police of the city of Hastings, or to the sheriff or any constable of said county:

You are hereby commanded to attach the goods, chattels, moneys, effects and credits of \_\_\_\_\_ or so much thereof as shall be sufficient to satisfy the sum of \_\_\_\_\_ dollars, with interest and costs of (suit), \_\_\_\_\_ in whosoever hands or possession the same may be found, in said county of Dakota, and so provide that the same may be subject to further proceedings as the law requires; and also to summon \_\_\_\_\_ if to be found within said county, to be and appear before the municipal court of the city of Hastings, at a term thereof to be holden on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18 \_\_\_\_\_, at the opening of the court, and answer

to whose complaint is on file in said court, in a civil action; and have you then and there this writ.

Witness the Honorable Municipal judge,  
this day of A. D. 18 .

Clerk of the Municipal Court.

Or the writ may be in any other form that the court may by rule prescribe, and shall in all cases be returnable as an ordinary summons. In all other respects the service of the writ, and other proceedings thereon, shall be similar as near as may be, to the service of such writ and proceedings in justice court: *Provided, however,* That in all cases where such writ shall be served on the defendant, personal judgment may be entered in said action, whether property be actually attached by virtue of said process or not.

SEC. 11. When the object of an action is to recover the possession of personal property, the plaintiff, his agent or attorney, shall make and file his complaint in writing, together with an affidavit similar to the affidavit required in a justice court in a like action. The plaintiff, or some person on his behalf, shall execute a bond with surety, to be approved by the judge, conditioned similar to bonds in such actions in justice court, and file such bonds; and an action may be maintained upon such bonds as upon similar bonds filed in like actions in justice courts. The clerk shall thereupon issue the writ, which may be in form as follows:

STATE OF MINNESOTA, } CITY OF HASTINGS,  
County of Dakota. } ss. Municipal Court.

The State of Minnesota to the chief of police of the city or Hastings, or to the sheriff or any constable of said county:

Whereas complains that has become possessed of, and unjustly detains from the said the following described goods and chattels, that is to say, (describing the articles with reasonable certainty, and stating their alleged value). Therefore you are hereby commanded that you cause the same goods and chattels to be replevined without delay, and deliver to said and to summon the said if to be found within said county, to be and appear before the municipal court of the city of Hastings, at a term thereof to be holden on the day of A. D. 18 , at the opening of the court, and answer to whose complaint is on file in said court, in a civil action; and have you then and there this writ.

Witness the Honorable Municipal judge,  
this day of A. D. 18 .

Clerk of the Municipal Court.

Or the writ may be in any other form that the court may by rule prescribe. The writ shall be served, and all proceedings thereunder had, in the same manner (except as to times and forms of pleading and trial) as upon similar proceedings in justice court. But the officer executing the writ shall retain the property taken under it in his own custody for three (3) days before delivering the same to the plaintiff, and if within that time, the defendant or some one in his behalf, shall

execute to the plaintiff a sufficient bond, with one (1) or more sureties to be approved by the judge, conditioned as in like cases in the district court, and file such bond, the clerk shall thereupon issue an order to the officer to redeliver such property to the defendant.

SEC. 12. 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, a'opting such arrangement as the judge may direct; and the court shall direct the order of the trial, and other disposition of causes.

SEC. 13. Jurors for said municipal court shall be provided and drawn in the following manner, to-wit:

The mayor, the city clerk and the presiding judge of said municipal court shall, during the months of April and October in each year, at the office of the city clerk of said city, meet and select and designate sixty (60) legal voters of said city as the jurors of said municipal court, to serve therein when required and drawn during the succeeding six (6) months, and until their successors are designated and certified; and shall thereupon certify said names so elected to the clerk of the said court, who shall thereupon write said names upon separate ballots and place the same in a box kept for that purpose, and whenever a jury is demanded by either party in said court, the clerk shall by lot draw eighteen (18) names from the said box and make a list of the same. Each party may thereupon strike out three (3) names; in case of the refusal or neglect of either party so to strike out such names, the judge shall strike out the names for either or both. And upon such names being stricken out a venire shall be issued directed to the sheriff of the county or any constable of the same, or to the chief of police of said city, directing him to summon the twelve (12) persons whose names remain upon such list, to appear before said court at the time and place named therein as a jury for the trial of such action: *Provided*, That upon the consent of both parties entered upon the minutes, a jury of six (6) may be ordered, and in such case twelve (12) names shall be drawn from the box and a list of the same made by the clerk, and each party may strike three (3), and the said jury shall be selected, impaneled and summoned as provided in this section. The names of the jurors stricken off the list as aforesaid, shall be replaced in the box. If any of the jurors shall not attend at the time mentioned in the venire or are excused, the officer shall summon a sufficient number of talesmen to supply the deficiency. To the talesmen so summoned either party may interpose two (2) peremptory challenges and a challenge for cause may be entertained and allowed whenever such challenge would be properly allowed in the district court. The jury shall take the same oath which is prescribed for jurors in the district court, and the respective functions of judge and jury upon the trial of causes, shall be the same as in district court, and exceptions to the rulings and decisions of the judge, and his charges and refusals to charge, may be taken as upon trials in the district court. Where no other provisions are otherwise made in this act, said municipal court is vested with all the powers which are possessed by the district courts in this state; and all laws of a general nature apply to the said municipal court as far as the same can be made applicable and not inconsistent with the provisions of this act. Jurors in said municipal court shall be entitled to fifty (50) cents in the trial of civil actions per day, to be

collected and paid in the same manner as in justices' courts; but the party demanding a jury in any civil action shall be required to advance the jury fee of fifty (50) cents for each juror, before the jury is sworn. Jurors in criminal cases shall be entitled to like fees as jurors in civil cases, which said fees shall be taxed as a part of the costs in the case.

SEC. 14. Title eighteen (18) of chapter sixty-six (66) of the General Statutes, relating to "trial by referees," title nineteen (19) of the same chapter, relative to "exceptions," and title twenty (20) of the same chapter relative to "new trials," shall apply to said municipal court. Disbursements shall be allowed the prevailing party in said municipal court, and costs to be taxed forthwith without notice, such costs shall be as follows:

To the plaintiff upon a judgment in his favor where the amount thereof or the value of personal property recovered, exclusive of disbursements, exceed fifty dollars (\$50), five dollars (\$5); to the defendant, when judgment is rendered in his favor, if the amount of money or value of property claimed in the complaint exceeds fifty dollars (\$50), five dollars (\$5). Appeals from this court shall be in all cases to the district court, where they lie in similar cases from judgments and orders of the district court to the supreme court.

SEC. 15. 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 in civil actions may issue upon entry of judgment against the goods and chattels of the judgment debtor, returnable within thirty (30) days. Judgment may be stayed in this court the same as in justices courts. Every person in whose favor a judgment is rendered in said municipal court for an amount exceeding ten (\$10) dollars besides costs, may upon paying the fee therefor and all unpaid fees, payable to the clerk in such action, demand and shall receive from such clerk, a transcript of such judgment duly certified, and file the same in the office of the clerk of the district court of the county of Dakota, 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 filing of such transcript, to the same extent as a judgment of the 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, as if rendered in said district court. The clerk of said municipal court shall not issue such transcript while a writ of execution is in the hands of an officer, and not returned or lost, and shall note on the records of such judgment the fact that such transcript, has been given, and shall not thereafter issue any writ of execution on the same judgment, but may at any time give to the same party or his representatives, a new transcript of such judgment, in case of the loss of the transcript first given.

SEC. 16. Proceedings against garnishees may be instituted in the same manner as in justices' courts, but the summons may be served either by an officer or any indifferent person, 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, not less than six (6) days, and the notice required to be served on the defendant in the action, may be signed either by the clerk of said court.



or the person who served the garnishee summons, or by the plaintiff as his attorney. The disclosure of the garnishee may be taken, and all further proceedings had in the same manner as if the proceedings were in the district court.

SEC. 17. Complaints in criminal cases, where the defendant is not in custody, may be made to the court while in session, or to the judge or clerk when not in session, and shall be made in writing or reduced into 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 or by-laws of said city. And the clerk as well as the judge is hereby made a conservator of the peace, and vested with the same authority, discretion and power to act on receiving complaints, and issuing the warrants of said court in criminal cases. And complaints, warrants and other process in criminal cases may follow substantially the same forms heretofore in use by the justices of the peace or the police justice, with such alterations as may seem convenient to adapt the same to the style of said municipal court, or may be in such other form as the court may prescribe, sanction or approve.

In cases where alleged offenders shall be in custody, and brought before the court or the clerk without process, the clerk shall enter upon the records of the court a brief statement of the offense with which the defendant is charged, which shall stand in place of a complaint, unless the court shall direct a formal complaint to be made. The plea of the defendant shall be guilty or not guilty; in case of failure to plead, the clerk shall enter a plea of not guilty, and a former acquittal or conviction of the same offence may be proved under that plea, as well as if formally pleaded. In the examination of offenders charged with indictable offenses, the judge shall keep minutes of the examination, and the clerk shall make the proper return to the court, before which the party charged with the offense may be bound to appear.

SEC. 18. The salaries of the judge and the clerk shall be fixed by the city council at the beginning of each term. The salary of the judge shall not be less than one thousand (\$1,000) dollars; nor more than fifteen hundred (\$1500) dollars per year, and the salary of the clerk shall not be less than five hundred dollars (\$500), nor more than eight hundred dollars (\$800) per year, payable from the city treasury in monthly installments. And neither the judge, clerk or deputy clerk, shall receive any other fee or compensation for his services lent in all proceedings had in said municipal court; like fees shall be charged and collected by the clerk as costs, as are allowed by law to justices of the peace in proceedings, and upon trials before them, as for similar services. And all fees charged by the clerk, whether due from the county on preliminary examinations, or otherwise shall be collected by the clerk as costs, and by him accounted for and paid over to the city treasurer.

SEC. 19. The chief of police of the city of Hastings, and the constables of Dakota county, in making services of any process or doing any other duty in respect to causes in said court, shall be allowed the same fees as are allowed to constables, for the like services in justice court which shall be collected in the same manner.

SEC. 20. There shall be appointed each year by the city council,

a special judge of said municipal court, whose power and duties shall be the same as those of municipal judges, except as otherwise provided in this act. In case of a press of business in said court or at the request of the municipal judge, or in case of the [unavoidable and necessary] absence or sickness of the municipal judge, on the request of the mayor or acting mayor of said city, the said special judge shall act as judge of said court, and when the special judge so acts at the request of the municipal judge, the said special judge and the municipal judge shall each have and exercise the powers of said court.

If on the return of the process or at any time before the trial commences in any action or proceeding, civil or criminal, either party shall make it appear by affidavit that the judge is a material witness in the case, or shall make it appear by affidavit that from prejudice or other cause, that he had good cause to believe that the judge will not decide impartially in the matter, and shall before making of the transfer as hereinafter provided in all civil actions, deposit with the clerk the sum of four dollars (\$4) as payment of one (1) day's salary of said special judge, the said municipal judge shall forthwith turn over the said cause, with all the papers and records therein, to the said special judge, who shall thereafter act as judge in said case with full power as court. Said special judge shall not act on the trial or examination of any case, or otherwise, except as above provided; and any special judge acting as judge of said court shall receive compensation at the rate of four dollars (\$4) per day, the same to be paid by the city of Hastings. This section shall not incapacitate any such special judge from acting as an attorney in any case or proceeding in said court; but when such judge is acting as judge of said court, he shall take no action in said case, save to adjourn the same.

Nothing in this chapter shall be construed to prohibit the judge of said court from practicing as an attorney in any court in this state, save said municipal court.

SEC. 21. The city attorney of the city of Hastings shall have charge of the prosecution of all offenses arising under the ordinances of said city. And the county attorney of the county of Dakota, shall act in the prosecution of offenders, charged with offences against the laws of the state, when so required by law to prosecute before justices of the peace.

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

SEC. 23. All the dockets, records, files and papers in the custody of any and all justices of the peace, and the police justice of said city, shall at the expiration of their present term of office be transferred and turned over to the said municipal court, which shall have full jurisdiction to finish and complete all proceedings pending before any justice of the peace or the police justice of said city, and to enforce, by execution or otherwise, all judgment theretofore rendered by justices of the peace or said police justice within the present city of Hastings; and such judgment shall stand on the same footing as judgments of said municipal court. And from and after the expiration of his

present term of office, no justice of the peace nor the police justice of said city, within the city of Hastings, shall issue any process, or take cognizance of any action or proceeding, civil or criminal; but the jurisdiction of said municipal court shall, within said city, be exclusive in all causes heretofore cognizable before the police justice, except that this clause shall not affect the jurisdiction of any court of record, having general jurisdiction, such as is conferred on the district court.

SEC. 24. The term of office of each justice of the peace and the police justice, now existing in said city, shall cease at the end of the two (2) years for which he was elected, and shall not continue until his successor is elected and qualified. The said municipal court shall have the custody and possession of all dockets, records, files and papers of all justices in said city, whose terms have expired, and each justice and the police justice of said city, upon the termination of his office as herein provided for, or other termination of his office, shall forthwith transfer all pending cases, and all dockets, records, files and papers in his custody, to the said municipal court, which shall have full jurisdiction to finish and complete all proceedings pending, when transferred before any justice of the peace or the police justice, and to enforce by execution or otherwise all judgments existing on such dockets, thus transferred or in the possession of such court, and such judgments shall stand on the same footing as judgments of the said municipal court.

The jurisdiction of said municipal court, after this act shall take effect, shall within said city be exclusive in all cases hereafter cognizable before justices of the peace and the police justice, except that this clause shall not affect the jurisdiction of any court of record having general jurisdiction, such as is conferred upon the district court.

SEC. 25. In all criminal cases tried in said court in which the defendant shall be convicted, the clerk shall tax as costs of court, and if not paid, judgment shall be entered therefor against the defendant in the following sums, viz: In cases where no warrant is issued and the defendant upon being arraigned shall plead guilty, two dollars (\$2.00). In cases when warrants shall be issued and the defendant upon arraignment pleads guilty, two and one-half dollars (\$2.50). In case where the defendant shall plead not guilty and shall be tried before the court, five dollars (\$5.00). In case where the defendant shall plead not guilty and shall be tried before a jury, ten dollars (\$10.00). Said sums respectively to be in addition to all costs of witnesses, jurors and other costs taxed in said action or either of them.

SEC. 26. In all examinations held by or before said court, to inquire of offenses of which said court shall not have final jurisdiction, the clerk shall tax as costs of said court for making each examination the same fees as are now allowed to justices of the peace for similar services, and fifty (50) per cent, additional thereto.

SEC. 27. The plaintiff upon making his complaint in all civil actions shall pay to the clerk of said court one dollar (\$1.00) for each one hundred dollars (\$100.00) or fraction thereof claimed in the complaint.

SEC. 28. The territorial jurisdiction of said court shall be co-extensive with that of justices of the peace within this state, under the general statutes of this state.

SEC. 29. The proposition to establish and create said municipal

court shall be submitted to a vote of the electors of the city of Hastings, at the general city election in April 1883, and notice of said submission shall be made in the usual method prescribed for notices of election of officers of said city. The ballots to be voted at said election shall have written or printed or partly written or partly printed thereon, the words "In favor of a municipal court in the city of Hastings—yes," or the words "In favor of a municipal court in the city of Hastings—no." And if a majority of votes cast at said election are in favor of said court it shall be established and take effect as in this act provided, otherwise not; anything in this act to the contrary notwithstanding.

SEC. 30 This act shall take effect and be in force from and after its passage.

Approved March 3, 1883.

## CHAPTER 6.

AN ACT TO AMEND THE CHARTER OF THE CITY OF ST. PAUL, IN RELATION TO THE FIRE DEPARTMENT OF SAID CITY.

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

SECTION 1. That section nine (9) of chapter ten (10) of the charter of the city of Saint Paul, in relation to the fire department, be and the same is hereby amended by striking out the words "three (3) reputable freeholders," where they occur in the second (2d) line of said section nine (9), as printed in the extra session Special Laws of one thousand eight hundred and eighty-one (1881), and inserting in place thereof the words "five (5) reputable freeholders."

SEC. 2. That section eleven (11) of said chapter ten (10) be and the same is hereby amended by adding thereto as follows; Said board may also, whenever they deem it advisable, elect a secretary from their number, or otherwise, to keep the minutes and books of said board and to perform such other duties as may from time to time be required of him by said board. The secretary so elected shall hold no other appointment or position under said board, and his salary shall be fixed by the board at a sum not exceeding at the rate of two hundred dollars (\$200) per year, and he shall hold his office during the pleasure of the board, and be subject to removal at any time.

SEC. 3. Section twelve (12) of said chapter ten (10) is amended so as to read as follows:

Section 12. For the operation and management of the apparatus, property and appliances for the extinguishment of fires in said city,