

CHAPTER CXII.

March 10, 1867

An Act to change the titles of and regulate the holding of courts for counties unorganized for judicial purposes, and to regulate the manner in which the counties to which they are attached for such purposes are to provide for the transaction of the business of counties which have no board of county commissioners.

SECTION 1.—Regulates the holding of district courts in unorganized counties—Duties of clerk of district court, sheriff and county attorney.

2.—When boards of county commissioners to meet—Boards to select jurors—How jurors to be selected—Duty of sheriff, etc.

3.—Actions, civil or criminal, pending, not to be affected by change.

4.—Judge of district court may order place of holding court changed—Records, etc., to be delivered to clerk of district court—Judge may change back court to original place of holding same.

5.—Vacancies in office of clerk of district court, how filled.

6.—Offenders to be committed to custody of keeper of jail in county in which court is holden.

7.—Expenses, how defrayed.

8.—In case no board of commissioners in unorganized counties, commissioners in organized county to act—Powers of commissioners.

9.—When act to take effect.

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

Title of district
courts

SECTION 1. In all cases where one or more counties are attached to another for judicial purposes, the title of the district court for such counties shall hereafter be: The State of Minnesota, District Court for such judicial districts, counties of — and —, (naming all the counties for which a common place for holding terms of the district court are by law provided,) and the clerk of the district court, sheriff and county attorney of the county in which such court is held, shall perform the duties in said court that would have devolved upon them respectively had it been a court held exclusively for such county.

SEC. 2. On the first Monday of April, A. D. eighteen hundred sixty-seven, and in January of each year thereafter, the board of county commissioners of each of the

several counties of this state which are now by law attached to another county for judicial purposes, [shall] meet and select persons properly qualified for grand jurors and petit jurors, and the number of such persons so selected in each county, and all proceedings in the selection of the same, and in the making, signing, attesting and delivering of the lists thereof, and in the drawing and summoning of grand and petit jurors for each term of the district court for such counties, shall conform to the regulations now provided by law, except that the lists of persons suitable for grand and petit jurors selected in each county shall be delivered to the clerk of the district court of the county in which such court is held, and that the grand jurors shall be drawn by the said clerk from all the names returned by the several counties collectively as those of persons suitable for grand jurors, and that the petit jurors shall in like manner be drawn from the names of those in like manner returned as those of persons suitable for petit jurors, and except also that the sheriff of the county in which such court is held, or his deputy, shall officiate in the summoning of the jurors so drawn in the same manner that he would be required to do, provided said court was held exclusively for his own county: *Provided*, That in case any counties included within the provisions of section one of this act have no board of county commissioners, the board of county commissioners of the county in which such court is held shall select suitable persons from such counties for grand and petit jurors, and the same shall be selected and lists of them made, signed, attested and delivered as provided above.

Duty of county commissioners

SEC. 3. No action or proceeding, civil or criminal, now pending or undetermined in any court the title of which is changed by the provisions of this act, shall be deemed to be affected or impaired in any manner by such change, but all subsequent proceedings therein shall be conducted and carried on in said court in the same manner as if such action or proceeding had been commenced in said court after the title thereof was changed; and such court shall also have the same civil and criminal jurisdiction over all the counties for which it is held that it would have had provided its title had not been changed.

Actions not to be affected by change

Power of judge

SEC. 4. The judge of any district court, the title of which is changed by the provisions of section one of this act, may, whenever he shall consider it to be in furtherance of justice or for the public convenience, order that the place for holding such court may be changed from the county now designated by law as the one in which such court shall be holden, to one of the other counties embraced in the title of such court, and in such case all the papers, records, books and other property appertaining to the said court shall be delivered to the clerk of the district court of the county in which, by the terms of said order, the said court is thereafter to be holden, upon the demand of the said clerk, and all general and special terms of said court shall thereafter be holden in the county designated in the said order for the holding of the same, and the jurisdiction of the court in any action or proceeding pending at the time of the making of said order, or over any crime, misdemeanor, or offense committed either before or after the making of such order, shall not in any way be affected thereby; *Provided*, That the said judge may at any time when he shall deem it expedient, again in like manner change the county in which said court shall be holden.

Vacancies, how filled

SEC. 5. In case there is no clerk of the district court in the county to which the holding of the court is changed, as provided for in the preceding section, there shall be deemed to be an original vacancy in the office of the clerk of the district court for such county, which vacancy shall be filled in the same manner and subject to the same qualifications and regulations as are now by law provided for filling vacancies in the office of clerk of the district court.

Prisoners, to whom delivered

SEC. 6. All persons for trial for any offense in any county within the jurisdiction of such court shall be delivered to the keeper of the common jail of the county in which said court is holden, for safe keeping and to be produced when called for in the said court.

Expenses

SEC. 7. The expenses of all criminal actions and proceedings shall be charged to and be defrayed by the county in which the crime is charged to have been committed.

SEC. 8. In case any of the counties included in the provisions of this act shall have no board of county com-

missioners, then the board of county commissioners and all the county officers of the county in which such court is holden, shall act as the board of commissioners and county officers of such county in the same manner, and returns from said counties shall be made to and though such officers in the same manner as is now required to be done in fully organized counties; *Provided*, That such board of commissioners shall not have power to levy any greater tax upon said counties than is sufficient to provide for the expenses thereof, including the laying out, opening and improving of roads and buildings, and repairing of bridges therein.

County commis-
sioners

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved March 9, 1867.

CHAPTER CXIII.

An Act to attach certain counties for judicial and record purposes. March 8, 1867

SECTION 1.—Attaches certain counties to Douglas county for judicial purposes.

2.—Certain counties attached to Morrison county for judicial purposes.

3.—Repeals a portion of sections 31 and 33 of chapter 84 of general statutes.

4.—When act to take effect.

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

SECTION 1. That the counties of Pembina, Polk, Becker, Olney, Andy Johnson, Stevens, Traverse and Otter Tail are hereby attached to the county of Douglas for judicial and record purposes.

Attaches certain
counties to others

SEC. 2. That the counties of Aiken, Cass, Wadena and Crow Wing are hereby attached to the county of Morrison for judicial and record purposes.