

CHAPTER LXIX.

AN ACT RELATING TO THE COURT OF COMMON PLEAS IN
AND FOR THE COUNTY OF RAMSEY AND PROVIDING FOR
AN ADDITIONAL JUDGE THEREOF.*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. There shall be elected at the general election for state officers in the fall of the year eighteen hundred and seventy-five, by the electors of the county of Ramsey, an additional judge of the court of common pleas, to be called judge of the court of common pleas, and the term of office of the said judge shall commence on the first day of January succeeding, and shall continue for the space of seven years, and until his successor is in like manner elected and qualified, and all laws now in force in reference to the qualifications, canvass of the votes and commission of the district judge shall equally apply to the said judge of the court of common pleas.

Election of an additional judge of the court of common pleas—term of office.

SEC. 2. The said judge shall have the like jurisdiction, authority and powers in all actions and proceedings, and perform the same duties in said court of common pleas as the present judge of said court, and receive the same compensation, payable in like manner, and either one of said judges may hold said court. The business in said court may be divided between the said judges and otherwise regulated by joint rules, and the judges of said court may separately try court and jury cases during the same term or at the same time, and separately transact all other business in said court except as hereinafter provided. Motions for new trials shall be made before the said judges jointly, and the said judges may, together, by their joint consent, hear and determine any motions and try and decide any actions except jury cases, and when they so act jointly the judge senior in office, or if neither judge is senior in office, the judge senior in age shall preside, and in case of a division in opinion between the judges, his opinion shall prevail. No order or judgment granted by one of said judges shall be set aside or vacated by the other of said judges, except in case of absence, sickness, or inability to act of the judge who granted such order or judgment, or except when said judges are in joint session acting in manner aforesaid.

Jurisdiction of said judge—how motion for new trial to be made.

SEC. 3. The governor is hereby authorized to appoint an additional judge of the court of common pleas, who shall duly qualify as such judge, and hold the office and perform the duties of such judge, until the election and qualification of the elected judge herein provided for, and he shall receive the same rate of compensation, payable in like manner.

Governor to appoint additional judge.

Vacancy, how filled.

SEC. 4. In case the office of either of said judges shall become vacant before the expiration of the term for which he may have been elected, the vacancy shall be filled by appointment by the governor, and the person so appointed shall hold until his successor shall be elected and qualified. Such successor shall be elected at the general election next after the occurring of said vacancy; *Provided*, That said vacancy shall have occurred more than thirty days previous to the said general election. In case the said vacancy shall have occurred within a period of thirty days or less before the said general election, then the election of said judges shall take place and be had at the general election in the year following that in which the vacancy shall have happened. The person so elected to fill such vacancy shall qualify on the first Monday of January next succeeding his election, and shall hold his office for and during the space of seven years, and until his successor is elected and qualified.

General terms of court.

SEC. 5. There shall be four general terms of the court of common pleas of the county of Ramsey, for the transaction of both civil and criminal business, and said terms shall be held on the first Tuesday of March, June, September, and December.

Grand juries to be drawn for each term of court.

SEC. 6. Grand jurors shall be drawn for each of said terms, and venires issued therefor, and served and returned in the same manner as now provided by the general laws of the state, unless the judge of said court shall, at least sixteen days before the first day of a term succeeding a term at which a grand jury has been empaneled, enter an order directing the county commissioners not to select any grand jurors for such term.

May transfer civil suits to district court.

SEC. 7. Either of the judges of said court may in his discretion, upon his own motion or upon that of either party, transfer by order any civil suit wherein equitable relief is sought or equitable defense is interposed, to the district court of the second judicial district, and thereupon like proceedings shall be had in such suit in said district court as if the suit had been originally commenced therein.

To have cognizance of all criminal offenses.

SEC. 8. All recognizances and commitments for criminal offenses may be made returnable to said court of common pleas, and not to the district court.

When act to take effect.

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

Approved March 5, 1875.