

CHAPTER 167—S. F. No. 238.

An act to amend Section 14 of Chapter 119 of the Special Laws of 1885, entitled: "An act to establish a municipal court in the city of Mankato, Blue Earth County, Minnesota."
Be it enacted by the Legislature of the State of Minnesota:

Section 1. Mayor and city clerk and presiding judge to draw jurors to serve in municipal court of city of Mankato and fees to be paid to jurors.—Appointment of court reporter and fees to be charged by same.—That section 14 of chapter 119 of the Special Laws of 1885, of Minnesota, be amended to read as follows:

"Section 14. 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 presiding 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 successfully 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 talesmen 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 persons selected by the judge, *mayor and city clerk* to serve as jurors as aforesaid shall not again be selected for six (6) months from and after the expiration of said term of three (3) months for which they were drawn, and the failure to select and designate the said 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. Jurors in this court when serving as such on the trial of an action shall receive the same compensation as jurors in justices' court. *Provided that in all civil 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 venire issued in such civil 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 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 copy 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. 2. This act shall take effect and be in force from and after its passage.

Approved April 9, 1917.