

exceeding two years from and after the passage of this act.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 8, 1867.

CHAPTER LXXXIV.

March 9, 1867

An Act for the establishment of the Court of Common Pleas, in and for the county of Ramsey.

SECTION 1.—Provides for the establishment of a court of record—jurisdiction of court and judge.

2.—To have seal—where to be held—how expenses to be defrayed.

3.—Proofs, how tested.

4.—Recognizances to be made returnable to said court.

5.—Appeals from justice court—where made to.

6.—County Attorney to be prosecuting attorney—same laws to govern district court and court of common pleas.

7.—Duty and power of sheriff.

8.—County Commissioners to select proper persons for jurors.

9.—Provides for change of venue.

10.—Laws regulating district court to apply to common pleas.

11.—Provides for holding term of court.

12.—Absence of county attorney provided for.

13.—Salary of judge—how elected—term of office.

14.—Vacancy in office of judge—how filled.

15.—When act to take effect.

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

Court of Common Pleas—its jurisdiction

SECTION 1. That there is hereby established in the county of Ramsey, a court which is hereby constituted a court of record, by the name of the Court of Common Pleas of the county of Ramsey, which shall have equal and concurrent jurisdiction with the district court of

the second judicial district in all cases whatsoever. Said court and the judge and clerk thereof shall have the like jurisdiction, authority and power in all proceedings therein, and perform the same duties as the said district court and the judge and clerk thereof, except as limited by this act.

Sec. 2. Said court of common pleas shall have a seal to be provided by the county of Ramsey, and said court shall be held in such place as shall be provided by said county, and the expenses thereof, except as otherwise provided by law, shall be paid by said county.

Shall have a seal

Sec. 3. All process of said court shall be tested in the name of the judge thereof.

Process

Sec. 4. All recognizances taken before any judge, justice or magistrate in said county, in criminal cases, may be made returnable to said court of common pleas, and it shall be the duty of the officer taking the same to return all the papers in said criminal cases, to the court to which they are returned, and all fines, penalties and forfeitures had or taken in any such criminal proceedings shall, when collected, be paid over to the treasurer of Ramsey county, to and for the use of said county.

Recognizances—
where returnable

Sec. 5. All appeals from the judgments of justices of the peace within said county shall be taken to the said court of common pleas, or to the district court, and like proceedings had thereon as is now provided by law in similar cases in the district court, with like power of removal by appeal or otherwise to the supreme court of the state.

Appeals—how
made

Sec. 6. The county attorney of Ramsey county shall be the prosecuting attorney of said court, and all laws now in force regulating and defining the duties of prosecuting attorneys in the district courts of the state shall be of like force and application in the said court of common pleas.

Prosecuting at-
torney

Sec. 7. The sheriff of the county of Ramsey shall perform the same duties and have the same powers, and be liable to the same penalties in the said court as in the district court of said county; and the clerk of the district court of the second judicial district in and for the county of Ramsey, shall be the clerk of the said court; and the said sheriff and clerk shall be respectively entitled to the like fees in all civil and

Duties of sheriff

criminal cases as are now allowed by law for similar services.

County commis-
sioners to select
jury lists

SEC. 8. The county commissioners of the county of Ramsey shall within sixty days after the passage of this act, and at their annual meeting in January in each year thereafter, select from the qualified electors of the county of Ramsey fifty persons properly qualified to serve as grand jurors, and one hundred and fifty persons properly qualified to serve as petit jurors, and shall return the same properly certified in the manner provided by law for drawing grand and petit jurors for the district court to the clerk of said court of common pleas, who shall keep a record of the same, and from such lists the grand and petit jurors of said court shall be drawn, and summoned in the same manner and a like time before the term of said court as is provided by law for drawing and summoning grand and petit jurors for the district court, all laws in relation to re-listing, drawing and summoning grand and petit jurors for district courts, and in relation to their compensation, powers, authority, duties and proceedings, shall so far as applicable, apply to jurors in said court of common pleas.

Change of venue

SEC. 9. Changes of venue in all cases, civil or criminal, may be taken from the said court to any district court of the state, to the same extent, and in the same manner, as is now provided by law for the change of venue in the several district courts of the state.

Certain lands to
apply to this
court

SEC. 10. All laws regulating the removal of causes and proceedings from the district courts to the supreme court, and the proceedings thereon shall be applicable to said court of common pleas.

Number of terms

SEC. 11. There shall be two civil terms of said court in each year, to be held on the first Tuesdays in the months of September and March, for which terms no grand jurors shall be drawn or summoned, and at which no criminal business shall be transacted. There shall be two terms of said court in each year to be held on the first Tuesdays of the months of June and December, which shall be exclusively for the transaction of criminal business, and the judge of said court shall have the same power to hold adjourned and special terms thereof as is now allowed by law to the judges of the several district courts.

SEC. 12. In case the county attorney shall fail to attend upon said court at any term thereof, his place shall be supplied by a county attorney *pro tem.*, who shall in the meantime receive for his services such compensation as is allowed to the county attorney under the provisions of the law.

Absence of county attorney

SEC. 13. The judge of said court shall have the same salary as is or may be provided by law for the judges of the district courts, and which shall be paid in the same manner. The said judge shall be elected by the electors of the county of Ramsey, at the spring election on the second Tuesday of April, 1867, and the term of office of the said judge shall commence on the first day of May succeeding, and 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 district judge, shall equally apply to the judge of the said court of common pleas.

Salary of judge
—term of office

SEC. 14. In case the office of said judge 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 on the second Tuesday of April next after the occurring of said vacancy: *Provided*, The said vacancy shall have occurred more than thirty days previously to the said second Tuesday of April. In case the said vacancy shall have occurred within a period of thirty days or less before the said second Tuesday of April, then the election of said judge shall take place and be had on the second Tuesday of April 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 day of May 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.

Provides for vacancy

SEC. 15. This act shall take effect and be in force from and after its passage.

Approved, March 9, 1867.