

256.55 **Investigations and examinations.** When an application for assistance under sections 256.49 to 256.71 is received the county agency shall immediately arrange for an examination as to the blindness of the applicant by an ophthalmologist or optometrist *whichever the applicant may select*, and shall cause to be made such social and economic investigation as may be necessary to determine facts supporting the application made under sections 256.49 to 256.71, and such other information as may be required by rules and regulations of the state agency.

The county agency and the officers and authorized employees thereof shall have the power to conduct examinations and subpoena witnesses. The officers and employees designated by the county agency may administer oaths.

Sec. 4. Minnesota Statutes 1957, Section 256.56, is amended to read:

256.56 **Necessity of examination.** No application shall be approved until the applicant has been examined by an ophthalmologist *selected by the applicant*. The examining ophthalmologist shall certify, in writing, upon forms prescribed by the state agency as to diagnosis, prognosis, and visual acuity of the applicant.

Approved April 24, 1959.

CHAPTER 494—H. F. No. 240

[Coded]

An act relating to the probate court providing for additional jurisdiction in certain civil and criminal cases in certain counties.

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

Section 1. [525.011] **Probate courts: civil and criminal jurisdiction.** Subdivision 1. Except in counties having a city of the first class or in counties having a population of more than 30,000 according to the 1950 federal census, the probate court shall also exercise the powers, duties and jurisdiction conferred upon municipal courts by Minnesota Statutes 1957, Chapter 488 or under any other law enacted in lieu thereof which provides for uniform powers, duties and jurisdiction of municipal courts.

Subd. 2. The county board of a county in which addi-

tional powers, duties and jurisdictions are conferred upon the probate court by subdivision 1, shall provide and furnish to the probate court such supplies, equipment and personnel as may be necessary for the purposes of the subdivision.

Subd. 3. The clerk of the probate court of a county in which additional powers, duties and jurisdictions are conferred upon probate court by subdivision 1 shall exercise such powers and duties as the probate judge may direct in order to enable the probate court to carry out the provisions of subdivision 1.

Sec. 2. [525.012] **Fees, fines, and costs.** Subdivision 1. Except where otherwise specifically provided by law or any ordinance, charter provision, rule, or regulation of a city, village, or borough in the county of the court's jurisdiction, all fees, fines, and costs collected by the probate court, or the clerk thereof, shall be paid to the treasurer of the county in which the court is situated and credited to the general fund.

Subd. 2. On or before the tenth day of each month, the clerk shall file with the treasurer a verified report showing: (1) The names of all persons convicted during the preceding month, and the nature of the offense; (2) The fine or other punishment imposed; (3) The amount paid by cash, and the amount of cash deposited in lieu of bail, since his last report; (4) The total amount of money received from all sources during the same period; (5) The names of all persons discharged from jail by order of the court.

Subd. 3. The clerk shall receive all fines, deposits, penalties, and other moneys paid into court and keep detailed accounts thereof.

Subd. 4. Upon filing the reports required by this section, the clerk shall pay to the treasurer of the county in which the court is situated all sums in his hands to which the treasurer is entitled; he shall pay all other moneys to the other public officers entitled thereto; and he shall inform the treasurer of all moneys remaining in his hands pursuant to law or court order.

Subd. 5. The clerk shall pay such fees and mileage to witnesses as may be ordered by the probate judge in any action or proceeding involving a charged violation of criminal law or municipal ordinance. The clerk shall obtain receipts therefor as vouchers for the sums paid and shall deduct these payments from the amounts otherwise due the officers to whom the clerk is required to pay fees, costs, and fines. If the clerk

is without funds to make the payments required by this subdivision, the witnesses shall be paid, upon certification by the clerk, by the city, village, or borough whose municipal ordinance, charter provision, rule, or regulation is involved in the proceeding, and in other cases by the county in which the court is situated. No witness fees under this subdivision shall be paid in advance. No public officer or employee shall be paid any witness fees when he is called upon to testify in a matter resulting from his public employment.

Sec. 3. [525.013] Jury trials. Subdivision 1. Except as otherwise provided in Minnesota Statutes 1957, Chapter 488, or in any other law enacted in lieu thereof which provides for uniform powers, duties, and jurisdiction of municipal courts, the laws relating to jury trials in the district court apply to jury trials in a probate court under this act.

Subd. 2. Petit jurors for the trial of all types of action shall be selected in accordance with this section.

Subd. 3. Before the first day of September of each year, the county board at a general or special session and meeting with the judge of the probate court shall select from the qualified electors of the county in which the court is situated, a list of not less than 72 and not more than 144 persons properly qualified to serve as petit jurors and certify the list to the clerk of probate court. If there is a deficiency of persons on the list, the county board meeting with the judge of the probate court may select from the qualified electors of the county additional persons to cover the deficiency and certify and deliver to the clerk a supplementary list which shall thereafter stand as a part of the original list. The validity of the selection is not affected by the fact that any person selected is disqualified from serving as a juror.

Subd. 4. Petit jurors shall be drawn from the list of persons properly qualified. The clerk of probate court shall issue a venire for the jurors drawn which shall be returnable on such dates and hours as the judge directs. No person shall be drawn as a juror more than once every two years.

Subd. 5. When necessary, the court may issue a special venire.

Subd. 6. Failure to attend as a juror when duly drawn and summoned is punishable as contempt of court.

Subd. 7. Jurors shall be paid by the county in which the court is situated the same compensation and mileage as prescribed by law for jurors in the district court. The clerk of

probate court shall deliver to each juror a certificate showing the number of days of service and the mileage for which he is entitled to receive compensation. This certificate shall be filed with the county auditor in which the court is situated and the amount due shall be paid from the treasury of such county. The certificate is a proper and sufficient voucher for the issuance of a warrant. Any juror regularly summoned who actually attends at the time named in such summons is entitled to per diem and mileage whether or not sworn as a juror.

Subd. 8. Whenever a petit jury is desired by a party to a proceeding in probate court under this act, and such jury is permitted by law, such party shall request such jury, in writing, when the case is set for trial and pay the fees prescribed by Minnesota Statutes 1957, Chapter 488, or any other law enacted in lieu thereof which provides for uniform powers, duties, and jurisdiction conferred upon municipal courts. The court, by order, may waive the payment of jury fees in a criminal case if it appears that the defendant is unable to make such payment.

Sec. 4. [525.014] **Pleading, practice, and procedure in civil actions.** Pleading, practice, procedure, and the forms thereof in civil actions shall be the same in probate court as in the municipal court under Minnesota Statutes 1957, Chapter 488, or any other law enacted in lieu thereof which provides for uniform powers, duties, and jurisdiction of municipal courts.

Sec. 5. [525.015] **Judgments.** No judgment of a probate court under this act shall be a lien upon the real estate until a transcript thereof is filed and docketed with the clerk of the district court. If no execution thereon be outstanding, the judgment creditor may cause such transcript to be docketed in the same county, and thereafter execution may issue from either court. The clerk with whom the transcript is so filed may issue transcripts to be filed and docketed in other counties, as in the case of a judgment originally rendered in his court. When docketed as herein provided, the judgment shall have the same force and effect in all respects as the judgment of the district court.

Sec. 6. **Effective date.** This act is in effect on January 1, 1960.

Approved April 24, 1959.
