

Sec. 6. Minnesota Statutes 1957, Sections 490.026, 490.03, and 490.031, are repealed.

Approved April 24, 1959.

CHAPTER 689—H. F. No. 1489

An act relating to fees charged and collected by sheriffs in counties of 225,000 population or less; amending Minnesota Statutes 1957, Section 357.09.

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

Section 1. Minnesota Statutes 1957, Section 357.09, is amended to read:

357.09 **Sheriffs.** The fees to be charged and collected by the sheriff shall be as follows, and no other or greater fees shall be charged for:

(1) Serving a summons, warrant, writ, *subpoena*, or any process issued by a court of record, \$2 for each defendant served and mileage;

(2) Taking and approving a bond, \$1, and for certified copy thereof, 25 cents per folio;

(3) Copy of any paper served by him, when copy is made by him, 25 cents per folio;

(4) Collection on execution after levy, four percent on the first \$250 and two percent on the excess thereof;

(5) Advertising sale, \$1 and reasonable printer's fee paid by the sheriff for such advertisement;

(6) Posting three notices of sale, \$3;

(7) Certificate of sale of real estate \$4; copy thereof, when requested, \$1.50;

(8) Serving a writ of restitution, removing occupants, and putting the person entitled thereto into possession, \$6 and mileage;

(9) Summoning a jury upon a writ of inquiry, attending such jury, and returning the inquisition, \$2.25;

(10) Summoning a jury in obedience to the precept of an officer in special proceedings, \$3 and mileage for necessary travel in summoning the panel; attending such jury when requested, \$1.50; attending court, \$4.50 per day;

(11) Summoning a grand jury or a petit jury, 50 cents for each juror and mileage at 15 cents a mile for travel necessary in summoning the panel;

(12) Producing a person upon a writ of habeas corpus or a warrant of arrest, surrendering him in exoneration of bail or receiving him into custody for such exoneration, or bringing any prisoner before any court or officer for examination or committing him to jail, \$2 and mileage; attendance before such court or officer during such examination, \$2;

(13) Serving attachment on a boat or vessel in proceedings to enforce a lien created by law, \$6 and such additional compensation for services and expenses in taking possession of any preserving the same as the officer issuing the process may allow; selling such boat or vessel or the equipment thereof and advertising the sale, the same fees as allowed on execution;

(14) Making an appraisal in any case, \$2 for each day and \$1 for each half day for every appraiser necessarily employed;

(15) Making an inventory of property levied upon, replevined, or attached, 50 cents for each folio, and for copies 25 cents per folio;

(16) Selling land on foreclosure of mortgage, for all services required, including executing certificate of sale, \$6; postponing such sale, \$2;

(17) Making diligent search and inquiry and returning summons when defendants cannot be found, \$2;

(18) Returning execution unsatisfied, \$2;

(19) Receiving and paying over money paid on redemption of property and executing certificate, one percent on the amount so received, to be collected from the person redeeming, such fee not to exceed \$10 in any case;

(20) Securing and safely keeping property in replevin or attachment or on execution, such sum as the court may allow;

(21) Serving order or citation of probate court, or apprehending an alleged insane person by order thereof, \$2 and mileage; conveying insane person to hospital, \$6 per day and his expenses, including food and necessary assistance and the amount of the expenses and transportation charges for any insane person whom he may have in custody, necessarily in-

curred in the performance of any duty relative to such person; all such bills to be audited by the probate judge and paid out of the general fund of the county;

(22) For services in attempting the collection of personal tax warrants, such reasonable compensation as the county board shall allow; from such allowance the county attorney, or any five taxpayers of the county, may appeal to the district court, which may summarily determine the amount equitably due;

(23) For services not herein enumerated, the sheriff shall be entitled to the same fees as for similar duties.

When mileage is allowed the sheriff it shall be computed from the place where court is usually held and, except as otherwise specially fixed, shall be at the rate of 15 cents per mile for the first 50 miles of the total mileage and ten cents per mile thereafter. When two or more witnesses subpoenaed in the same action live in the same general direction, mileage shall be charged only for the subpoenaing the most remote. When court is usually held at one or more places, other than the county seat of a county, such mileage shall be computed from the place from which the sheriff or deputy sheriff travels in performing any service.

He shall be allowed reasonable and necessary expenses actually paid out for food furnished any prisoner while conducting him to jail and for his transportation by a common carrier.

The fees allowed for the service of an execution, for advertising thereon, and for filing certificate with the register of deeds shall be collected by virtue thereof and in the same manner as the sum therein directed to be levied; but when there are several executions in the sheriff's hands against the same defendant at the time of advertising, there shall be only one advertising fee charged, and the sheriff shall elect on which execution he will receive the fee.

This section shall not relate to or affect the fees of the sheriff of any county having a population of over 225,000.

Approved April 24, 1959.

CHAPTER 690—H. F. No. 1854

[Not Coded]

An act pertaining to the City of Saint Paul and authorizing the City Council by ordinance to promulgate rules pro-