

CHAPTER 66—S. F. No. 321.

An act to amend Section 1, Chapter 177, Laws 1915, and Sections 7995 and 7996, General Statutes 1913, relating to appeals in civil and criminal actions and to practice and fees in the Supreme Court.

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

Section 1. Fees to be paid by the appellant or person requiring the service in an appeal to the supreme court.—That section 1, chapter 177, Laws 1915, be amended to read as follows :

Section 1. That in lieu of all charges now provided by law as fees of the clerk of the supreme court, there shall be paid by the appellant or moving party or person requiring the service, the following amounts :

In all cases of appeal, certiorari, habeas corpus, mandamus, injunction, prohibition, or other original proceeding, the sum of ten dollars; and

In all *special proceedings, applications and motions, other than in causes pending in the court where the filing fee therefor has been paid, the sum of two dollars; and for the issuance of certificates to attorneys at law admitted to practice in this state, the sum of one dollar; and for certified or authenticated copy of any record, proceeding or paper, on file or of record in the office of the clerk, at the rate of ten cents per folio or fraction thereof, and twenty-five cents for each certificate, except where copies are furnished for certification by the person requiring the same, in which case the charge shall be at the rate of two cents per folio for comparing and twenty-five cents for each certificate; and for services required by law or rules of court not herein provided for, such sum as shall be fixed by rule of the court.*

The clerk shall not file any *paper, issue any writ or certificate, or perform any service enumerated herein, until the payment therefor shall have been made, and when made he shall pay such sum into the state treasury as provided for by General Statutes of Minnesota 1913, section 296.*

The charges provided for herein shall not apply to disbarment proceedings, or to actions or proceedings by the state, taken solely in the public interests, where the state is the appellant or moving party, or to copies of the opinions of the court furnished by the clerk to the parties before judgment.

Sec. 2. Bond and notice to be filed with the clerk of lower county, and fees to be paid at time of filing.—That section 7995, General Statutes 1913 be amended to read as follows :

7995. 'An appeal shall be made by the service of a notice in writing on the adverse party, and on the clerk with whom the judgment or order appealed from is entered, stating the appeal

from the same, or some specific part thereof. *To render the appeal effective for any purpose the party appealing shall, within the time provided by law for taking such appeal, file said notice together with the bond on appeal with the clerk of the lower court, and at the time of filing such notice and bond, such appellant shall deposit with the clerk the sum of \$15, of which ten dollars shall be transmitted to the Clerk of the Supreme Court as provided in section 7996, General Statutes 1913, as and for the filing fee required in the Supreme Court by chapter 177, Laws 1915, and the remainder retained by the clerk of the court below as and for the fee provided in section 5756, General Statutes 1913, subdivision 50.* Whenever a party, in good faith, gives notice of appeal from a judgment or order, and omits, through mistake, to do any other act necessary to perfect the appeal, or to stay proceedings, the court may permit an amendment on such terms as may be just.

Sec. 3. Fee to be transmitted to clerk of supreme court and time when printed records and briefs are to be filed, and time for argument of questions presented.—That section 7996, General Statutes 1913, be amended to read as follows:

7996. Upon an appeal being perfected, the clerk of the court *appealed from* shall immediately transmit to the clerk of the supreme court *the ten dollar fee prescribed by section 7995, General Statutes 1913, together with* a certified copy of the notice and bond upon appeal, and the filing thereof shall vest in the supreme court jurisdiction of the cause. *Upon the filing of such return the supreme court may fix the time within which the printed record and briefs shall be served and filed, and also set a date for the argument of the questions presented by the appeal.* Upon request of either party, the clerk of the court *appealed from* shall *at the time required by the rules of the supreme court* transmit to the clerk of the supreme court the original record, judgment roll, settled case, or bill of exceptions, and such exhibits as may be on file in his office, the same to remain in the supreme court for its use until the case is disposed of and then returned to the clerk of the court *appealed from*.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 12, 1917.