

CHAPTER 570—S. F. No. 1399

[Not Coded]

An act fixing and regulating the collection and disposition of fees of clerks of the district court in counties having or which hereafter may have a population of 550,000 inhabitants or over.

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

Section 1. Clerk of court; fees; exception. Every person, including the State of Minnesota and all bodies politic and corporate, who shall transact any business in the district court, in and for any county in this state having, or which hereafter may have, a population of 550,000 inhabitants or over, shall pay to the clerk of said court, for the use of said county, the sundry fees hereinafter prescribed; provided, however, that no county to which this act applies, being a party to any action or proceeding in the district court established in such county, shall be required to pay fees to the clerk thereof.

Sec. 2. Entry of case; appearance of defendant; fee. In every civil action or proceeding in said court, except proceedings for change of name, the naturalization of foreign born residents, the registration of land titles, and the enforcement of the payment of taxes, when no answer is filed, the plaintiff, petitioner or other moving party shall pay, when the same is entered in said court, or when the first paper on his part is filed therein, a fee of \$2.00.

The defendant or other adverse or intervening party, or any one or more of several defendants, or other adverse or intervening parties appearing separately from the others, shall pay when his or their appearance is entered in such action or proceeding, or when the first paper on his or their part is filed therein, a fee of \$2.00.

Sec. 3. Trial fee; jury fee. Whenever any action or proceeding in said court is brought on for trial or hearing, each party thereto appearing separately therein, shall, before the introduction of any evidence therein, pay a trial fee of \$3.00, and in addition thereto, the plaintiff shall pay such jury fee as is provided by law.

Sec. 4. Upon entry of judgment. Upon the entry of judgment in any action or proceeding in said court, the party entering the same shall pay at the time of the entry thereof, except in default divorce cases, a further fee as follows:

A. In all cases wherein judgment is entered without an order of court, \$2.00.

B. In all cases wherein judgment is entered pursuant to an order of court or referee, or upon verdict, except default divorce cases and cases involving title to real estate, \$2.00.

C. In default divorce cases the trial fees shall include entry of judgment.

D. In all cases involving title to real estate, except actions for foreclosure of mortgages, \$3.00.

E. In all actions for foreclosure of mortgages upon real estate, \$5.00.

F. The fee prescribed for entering judgment in divorce cases, proceedings for the adoption of a minor child, and cases involving title to real estate, shall include one certified copy of such judgment.

Sec. 5. Appointment of receiver. In all proceedings in which a receiver is appointed, and in all proceedings for taking possession of property under the right of eminent domain, the clerk of said court shall, in addition to the fees prescribed in section 2 hereof, receive such further fees proportionate to the services performed as shall be ordered by said court.

Sec. 6. Additional miscellaneous fees. In addition to the fees hereinbefore prescribed, the clerk of said court shall demand and receive at the time of the performance of the service specified, the following fees:

A. For every transcript of judgment, \$1.00.

B. For every oath administered, except those in connection with actions or proceedings pending in such court, \$.25.

C. For every certificate except those herein otherwise provided for, \$.25.

D. For every subpoena issued by the court, \$.25.

E. For every execution or other writ or process issued in any action or proceeding after judgment therein shall have been docketed, \$1.00.

F. For filing, entering and docketing every transcript of judgment from another court, \$1.00.

G. For entering and filing every assignment of judgment, \$.50.

H. For every certified copy of files or records, fifteen cents for each folio, in addition to the full fee for certificates;

provided, however, that any person may himself furnish a transcript of any files or records, and the clerk shall, when requested, compare correct and certify such transcript upon the receipt of five cents for each folio thereof in addition to the full fee for certificate.

I. For all uncertified copies, transcripts and memoranda of files and records, \$.25 for each folio; but the fee for any particular item so furnished shall not be less than \$.25.

J. For making judgment search for each debtor, \$.50.

K. For the filing of each annual accout in all trusteeships, \$1.00.

Sec. 7. Garnishments and habeas corpus proceedings. For the purpose of this act all garnishments, all habeas corpus proceedings, unless otherwise ordered by the court, shall be deemed proceedings, and it shall be the duty of the clerk of such court to demand and receive fees accordingly.

Sec. 8. Other fees. All fees not herein specifically provided for shall be such as are now or hereafter may be provided for by law for clerks of such district court.

Sec. 9. Fees in criminal cases. In all criminal proceedings in said court, unless otherwise ordered by said court, the clerk shall demand and receive the following fees:

A. For certified copies of files and records, the same fees as are provided in civil matters.

B. For making search and certificate of any fact shown by records, \$1.00.

Sec. 10. Marriage license. For each marriage license, \$2.00.

Sec. 11. Registering trade name. For filing and registering of each trade name, \$.50.

Sec. 12. Paid in advance. All fees of said clerks, except in criminal proceedings, shall be paid in advance at or prior to the time herein prescribed, and said clerk shall not proceed in any matter requiring the payment of fees until the full amount of the same are paid.

Sec. 13. Actions pending. This act shall not affect any actions or proceedings that have been or are now pending in said court, except that the fees for all certified copies furnished

by the clerk on and after April 28, 1947, shall be in accordance with the provisions of this act.

Sec. 14. Severable. All acts and parts of acts inconsistent herewith are hereby superseded, modified or amended so far as necessary to give full force and effect to the provisions of this act.

Sec. 15. Limitation. Nothing in this act shall be construed as amending, modifying or repealing the provisions of Minnesota Statutes 1945, Section 140.06.

Sec. 16. Effective date. This act shall take effect and be in force from and after the date of its passage.

Approved April 26, 1947.

CHAPTER 571—S. F. No. 1409

[Coded as Sections 105.60 to 105.62]

An act relating to the Lac qui Parle water control project, providing for the acquisition of certain rights or easements for the use of stoplogs in connection therewith, and appropriating money therefor from the Lac qui Parle and Big Stone Lake water control projects fund.

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

[105.60] **Acquisition of easements for the use of stoplogs.**
Section 1. In order to provide more effective regulation of the waters controlled by the Lac qui Parle water control project in Chippewa and Lac qui Parle Counties for flood control, water conservation, and other authorized public purposes, the commissioner of conservation is hereby authorized to acquire in the name of the state by purchase, gift, or condemnation under the provisions of Laws 1943, Chapter 476, and other applicable statutes any and all rights or easements, in addition to those already owned by the state, that may be necessary for the use of stoplogs in not more than five of the openings in the concrete spillway in the dam at the outlet of the Lac qui Parle reservoir in said project, upon the following conditions:

(1) That no stoplogs shall be placed or kept in any of said openings from the time the reservoir freezes over in the fall until April 1 following;