

CHAPTER 357

FEES

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357.01 ALLOWANCE. For the services specified in this chapter, the fees hereinafter named shall be allowed.

[R. L. s. 2693] (6986)

357.02 FEES OF CLERK OF DISTRICT COURT. The fees to be charged and collected by the clerk of the district court shall be as follows, and no other or greater fees shall be charged for:

- (1) Issuing a writ, summons, subpoena, or process, 50 cents;
- (2) A certified copy of a writ, ten cents per folio, and 25 cents for a certificate;
- (3) Entering the return of a writ and filing the same, ten cents per folio;
- (4) Entering an appearance, discontinuance, non-suit, or default, 20 cents;
- (5) Entering any rule, order, or motion, in term, ten cents per folio;
- (6) A certified copy of a rule or order, ten cents per folio, and 25 cents for the certificate;
- (7) Any report upon an assessment of damages or other matter referred to him, 75 cents; and ten cents additional for each folio in excess of five folios;
- (8) Each certificate, 25 cents;
- (9) Calling and swearing a grand jury or a petit jury in a civil case, 50 cents;
- (10) Swearing jurors in a criminal case, ten cents for each oath administered;
- (11) Swearing each witness on a trial, ten cents;
- (12) Swearing an officer to take charge of a jury, ten cents;
- (13) Entering or taking a recognizance, 50 cents;
- (14) Entering a cause on the court calendar and making a copy thereof for the bar, 20 cents;
- (15) Receiving and entering a verdict, 25 cents;
- (16) Entering an action without process, 50 cents;
- (17) A certified copy of the minutes of a trial, ten cents per folio;
- (18) Entering a final judgment of not more than three folios, 50 cents, and ten cents for each additional folio;
- (19) A copy of a judgment to be attached to the judgment roll, ten cents per folio;
- (20) Entering a satisfaction of judgment, 20 cents for each judgment debtor;
- (21) Drawing a special jury, 75 cents;
- (22) Filing each paper, five cents;
- (23) A copy or exemplification of a record or pleading, ten cents per folio;
- (24) Searching judgment docket books of his office, and certifying to the existence or non-existence of judgments docketed therein, 50 cents for each judgment debtor;
- (25) Searching the records or files in his office, if a copy is not required, 20 cents for the records or files of each year;

- (26) Administering an oath not otherwise herein provided for, 25 cents;
- (27) Recording credentials or ordination of ministers and giving a certificate, 75 cents;
- (28) Recording a certificate of solemnization of marriage, 50 cents;
- (29) Filing and docketing transcript of judgment from another county or from a justice of the peace or from a municipal court when but one judgment debtor, 25 cents, and ten cents for each additional judgment debtor;
- (30) Entering an appeal or transcript from justice court, 50 cents;
- (31) Entering a surrender of bail, 25 cents;
- (32) Issuing a commission to take deposition, \$1.00;
- (33) Issuing venire facias, \$1.00;
- (34) A certificate of attendance of jurors and witnesses at court, 15 cents;
- (35) Entering a forfeiture of recognizance, 25 cents;
- (36) Entering a discharge of bail, 25 cents;
- (37) Entering a declaration to become a citizen of the United States, including a certified copy thereof, \$1.00;
- (38) All services for issuing a certificate of citizenship, \$1.00;
- (39) A certified copy of a certificate of citizenship under the seal of the court, 50 cents;
- (40) Making docket of judgment, 25 cents for each judgment debtor;
- (41) Admission of attorneys, \$1.00;
- (42) Taxing costs, 50 cents;
- (43) A certified copy of a marriage record, 50 cents;
- (44) A certified copy of a docket entry, 50 cents;
- (45) Attendance on court for each day of its actual session, \$3.00;
- (46) All services required in actions for the foreclosure of real estate mortgages where no trial is had, not more than \$4.00;
- (47) In actions for partition of land or proceedings in assignments for the benefit of creditors, and proceedings under the right of eminent domain, the court, or a judge thereof, may, by order, from time to time, fix the amount which may be charged and collected, which may be in excess of the amounts hereinbefore provided; except, however, no fee shall be allowed the clerk of court for receiving and paying over any money deposited with the clerk of court where the money is paid or deposited by or for the state of Minnesota, pursuant to section 117.10;
- (48) All other services required by law for which no fee is herein provided, such fees as compare favorably with those herein prescribed, or such as may be fixed by rule or order of the court;
- (49) Making return of the record to the supreme court on an appeal from the district court to the supreme court, \$5.00.

[*R. L. s. 2694; 1913 c. 414 s. 1; 1937 c. 187 s. 1*] (6987)

357.03 EXTRA FEES OF CLERK OF DISTRICT COURT. In any county of this state where incumbents of the office of clerk of the district court prior to the incumbent holding office at the time of the passage of this section have neglected for six years to enter or file papers or other documents or index the same in such office which should have been entered or filed by them, and as a result thereof the county records are incomplete, the board of county commissioners may agree with the clerk of the district court to properly enter or file all such papers and documents and index the same, and for such work may pay such clerk, in addition to the salary and clerk hire provided by law, the fees provided for such work by section 357.02; provided, that no such extra fee shall be paid for the doing of any work which should have been done by such incumbent.

[1929 c. 207] (6987-1)

357.04 FEES OF CLERK OF COURT IN CERTAIN COUNTIES. In any county in this state having a population of not less than 150,000, and not more than 200,000, the fees to be charged and collected by the clerk of the district court therein shall be as follows, and no other or greater fees shall be charged:

- (1) In every civil action, appeal, or proceeding entered in the office of such clerk, in which no answer or demurrer is filed or issue joined, the sum of \$2.00, except as hereinafter provided;
- (2) In each such action, appeal, or proceeding in which an answer or demurrer is filed or issue joined, \$4.00; provided, that no such action, appeal, or proceeding shall be entered in such clerk's office until the person desiring such entry shall pay to the clerk the sum of \$2.00; and, when demurrer or answer is filed or issue joined,

at the time of or after the entry of such action in the clerk's office, such clerk shall require an additional payment of \$2.00 before any further papers shall be filed or entries made pertaining to the action, and these payments, when made, and except as herein provided, shall be in lieu of all fees and charges now prescribed by law for all services required by law to be performed by such clerks, respectively, to and including the entry and docketing of final judgment in any action; provided, that the fees and charges for certifying transcripts of the minutes of any trial or of any papers on file, whether to the supreme court or otherwise, shall be in addition to those hereinbefore provided and shall be at the rate of five cents for each folio, and 25 cents for the certificate, excepting that in cases where such copies are furnished for certification by the person requiring the same, such clerk shall charge and receive two and one-half cents per folio for comparing and certifying the same and 25 cents for the certificate; provided, further, that in actions for partition of land or proceedings under Revised Laws 1905, Chapter 90, as the same is or may be amended, and in proceedings under the right of eminent domain to acquire property for public use by corporations, the court, or a judge thereof, shall, by order, from time to time, fix the amount of fees to be charged and collected, which may be in excess of the amounts hereinbefore provided;

(3) For filing and docketing transcript of judgment from another county, or from a justice or a municipal court, when but one judgment debtor, 50 cents, and ten cents for each additional judgment debtor;

(4) For searching the judgment docket books of his office and certifying to the existence or non-existence of judgments docketed therein, 25 cents for the first judgment debtor so certified to in the certificate, and ten cents for each subsequent debtor therein;

(5) For all services not hereinbefore provided for, the fees and charges shall be the same as now provided by law.

[1911 c. 247 s. 1] (6988)

Note: There is now no county to which this section is applicable.

357.05 FEES OF CLERK OF DISTRICT COURT IN ST. LOUIS COUNTY. In any county of this state, now or hereafter having a population of not less than 150,000, and not more than 225,000, the fees to be charged and collected by the clerk of the district court shall be as follows, and no other or greater fees shall be charged:

(1) In every civil action, appeal, or proceeding hereinafter entered in the office of such clerk, in which no answer or demurrer is filed or issue joined, the sum of \$2.00, except as hereinafter provided;

(2) In each such action, appeal, or proceeding in which an answer or demurrer is filed or issue joined, \$4.00; provided, that no such action, appeal, or proceeding shall be entered in such clerk's office until the person desiring such entry shall pay to the clerk the sum of \$2.00; and when demurrer or answer is filed or issue joined, at the time of or after the entry of the action in the clerk's office, the clerk shall require an additional payment of \$2.00 before any further papers shall be filed or entries made pertaining to the action, and these payments, when made, and except as herein provided, shall be in lieu of all fees and charges now prescribed by law for all services required by law to be performed by such clerks, respectively, to and including the entry and docketing of final judgment in any action; provided, that the fees and charges for certifying transcripts of the minutes of any trial or of any papers on file, whether to the supreme court or otherwise, shall be in addition to those hereinbefore provided and shall be at the rate of five cents for each folio, and 25 cents for the certificate, excepting that in cases where such copies are furnished for certification by the person requiring the same, the clerk shall charge and receive two and one-half cents per folio for comparing and certifying the same, and 25 cents for the certificate; provided, further, that in actions for partition of land or proceedings under Revised Laws 1905, Chapter 90, as the same is or may be amended, and in proceedings under the right of eminent domain to acquire property for public use by corporations, the court, or a judge thereof, shall, by order, from time to time, fix the amount of fees to be charged and collected, which may be in excess of the amounts hereinbefore provided;

(3) For filing and docketing transcript of judgment from another county, or from justice or municipal courts, when there is but one judgment debtor, \$1.10; and ten cents for each additional judgment debtor;

- (4) For issuing a transcript of a judgment, 50 cents;
- (5) For issuing an execution on a judgment, 70 cents;
- (6) For searching the judgment docket books of his office and certifying to the existence or non-existence of judgments docketed therein, 25 cents for the first judgment debtor so certified to in such certificate, and ten cents for each subsequent debtor therein;
- (7) For recording credentials of ordination of ministers and giving a certificate of such recording, \$1.00;
- (8) For recording the certificate of a veterinarian and giving a certificate of such recording, \$1.00;
- (9) For recording the certificate of a dentist and giving a certificate of such recording, \$1.00;
- (10) For recording the certificate of an osteopath and giving a certificate of such recording, \$1.00;
- (11) For recording the certificate of a physician and giving a certificate of such recording, \$1.00;
- (12) For recording the certificate of a chiropractor and giving a certificate of such recording, \$1.00;
- (13) For recording the certificate of an optometrist and giving a certificate of such recording, \$1.00;
- (14) For recording the certificate of a chiropodist and giving a certificate of such recording, \$1.00;
- (15) For recording the commission of a notary public and giving a certificate of such recording, \$1.00;
- (16) For issuing a certificate as to a notary public, justice of the peace, town clerk, or other county, town, or village official, 25 cents;
- (17) For all services, not hereinbefore provided for, the fees and charges shall be the same as now provided by law for the clerk of court in counties having a population of less than 75,000.

[1921 c. 253 s. 1] (6989)

357.06 CLERK'S FEES TO BE RETAINED IN CERTAIN COUNTIES. In each county having a population of 26,000 or over, where the salary of the clerk of the district court is arbitrarily fixed at \$800.00 or less, by special law, and where such clerk is required by special law to pay over to the county all fees collected as such clerk, he shall hereafter receive and retain all fees collected and received by him as such clerk of court, in lieu of the \$800.00 annual salary.

[1907 c. 268 s. 1] (6990)

357.07 DEPOSIT FOR FEES. No civil action, appeal, or proceeding shall be entered with the clerk of the district court until the person desiring such entry shall deposit with such clerk the sum of \$3.00 on account of fees in the case and out of which the clerk shall satisfy the fees in such case as they accrue, and whenever the sum, or any further deposit, is exhausted the clerk may require as a condition for further entries or fees an additional deposit of \$1.00. Any balance remaining with the clerk after determination of the case shall be returned to the depositor, his agent or attorney. Fees and charges for a transcript of the minutes of any trial, or of any papers on file, to the supreme court shall be at the rate of ten cents per folio and 25 cents for the certificate, except where copies are furnished for certification by the person requiring the same, in which case the clerk shall receive two and one-half cents per folio for comparing and certifying and 25 cents for the certificate.

[R. L. s. 2695] (6991)

357.08 FEES TO BE PAID BY APPELLANT IN AN APPEAL TO THE SUPREME COURT. 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:

- (1) In all cases of appeal, certiorari, habeas corpus, mandamus, injunction, prohibition, or other original proceeding, the sum of \$10.00; and
- (2) 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 \$2.00; for the issuance of certificates to attorneys at law admitted to practice in this state, the sum of \$1.00; for a 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 25 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 25 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 section 350.01.

The charges provided for herein shall not apply to disbarment proceedings, nor to an action or proceeding by the state taken solely in the public interest, where the state is the appellant or moving party, nor to copies of the opinions of the court furnished by the clerk to the parties before judgment, or so furnished to the district judge whose decision is under review, or to such law library associations in counties having a population exceeding 50,000, as the court may direct.

[1915 c. 177 s. 1; 1917 c. 66 s. 1; 1919 c. 97 s. 1] (6992)

357.09 FEES OF 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, or any process issued by a court of record, \$1.00 for each defendant served and mileage;
- (2) Serving subpoena, 50 cents for each witness summoned and mileage;
- (3) Taking and approving a bond, 50 cents, and for a certified copy thereof, ten cents per folio;
- (4) Copy of any paper served by him, when copy is made by him, ten cents per folio;
- (5) Collection on execution after levy, four per cent on the first \$250.00 and two per cent on the excess thereof;
- (6) Advertising sale, \$1.00 and reasonable printer's fee paid by the sheriff for such advertisement;
- (7) Posting three notices of sale, \$1.50;
- (8) Certificate of sale of real estate, \$2.00; copy thereof, when requested, \$1.00;
- (9) Serving a writ of restitution, removing occupants, and putting the person entitled thereto into possession, \$3.00;
- (10) Summoning a jury upon a writ of inquiry, attending such jury, and returning the inquisition, \$1.50;
- (11) Summoning a jury in obedience to the precept of an officer in special proceedings, \$2.00 and mileage for necessary travel in summoning the panel; attending such jury when requested, \$1.00; attending court, \$3.00 per day;
- (12) 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;
- (13) 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, \$1.00 and mileage; attendance before such court or officer during such examination, \$1.00;
- (14) Serving attachment on a boat or vessel in proceedings to enforce a lien created by law, \$3.00 and such additional compensation for services and expenses in taking possession of and 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;
- (15) Making an appraisal in any case, \$2.00 for each day and \$1.00 for each half day for every appraiser necessarily employed;
- (16) Making an inventory of property levied upon, replevined, or attached, 25 cents for each folio, and for copies ten cents per folio;
- (17) Selling land on foreclosure of mortgage, for all services required, \$3.00; postponing such sale, \$1.00;
- (18) Making diligent search and inquiry and returning summons when defendants cannot be found, \$1.00;
- (19) Returning execution unsatisfied, \$1.00;
- (20) Receiving and paying over money paid on redemption of property and executing certificate, one per cent on the amount so received, to be collected from the person redeeming, such fee not to exceed \$7.00 in any case;
- (21) Securing and safely keeping property in replevin or attachment or on execution, such sum as the court may allow;

(22) Serving order or citation of probate court, or apprehending an alleged insane person by order thereof, \$1.00 and mileage; conveying insane person to hospital, \$3.00 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 incurred 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;

(23) 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;

(24) 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 20 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 of 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, nor to any county where such fees are now fixed by special law.

[R. L. s. 2697; 1913 c. 197 s. 1; 1917 c. 363 s. 1] (6993)

357.10 COMPENSATION OF OFFICERS IN CERTAIN COUNTIES. In counties having a population of not less than 75,000, nor more than 150,000, sheriffs and other officers shall receive ten cents per mile for necessary travel in serving or executing any process or paper, when the entire distance traveled in going and returning shall not exceed 60 miles. When the distance exceeds 60 miles, such officers shall not be entitled to mileage, but in lieu thereof shall receive not to exceed \$3.00 per day and necessary traveling expenses actually paid in money. In such counties no mileage fee or per diem shall be paid to any officer for the service of any warrant or other process or paper in a criminal case when he is paid a salary by any municipality for performing such service, but he may be reimbursed for money actually paid out by him for necessary traveling expenses in the performance thereof.

[R. L. s. 2698] (6994)

357.11 FEES OF CORONERS. The fees to be charged and collected by the coroner shall be as follows, and no other or greater fees shall be charged:

(1) For viewing or examining each dead body, \$5.00 and mileage at ten cents per mile for necessary travel, and for each additional day required, \$5.00;

(2) For holding an inquest, \$5.00 for each day's necessary attendance after the day on which the body was viewed, and mileage as above, and 15 cents per folio for writing the record, including testimony of witnesses;

(3) In performing the sheriff's duties a coroner shall receive the fees allowed to the sheriff for like services;

(4) Physicians called by the coroner to make autopsies shall be allowed \$6.00 per day and mileage as above, and when the county board shall be satisfied that the autopsy was attended by great and unusual difficulties, they may allow such further sum to the physicians as may be just compensation for the services. This chapter shall apply to all counties now or hereafter having a population of less

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than 275,000, but shall not apply to any county where such fees are now fixed by special laws.

[R. L. s. 2699; 1909 c. 271 s. 1; 1913 c. 216 s. 1] (6995)

357.12 FEES OF CONSTABLES. The fees to be charged and collected by a constable shall be as follows, and no other or greater fees shall be charged:

- (1) For serving a warrant or other writ, not herein provided for, 25 cents for each person named therein and served;
- (2) For a copy of each summons delivered on request or left at the residence of defendant, 25 cents;
- (3) Serving a subpoena or summons, 50 cents for each person named therein served; provided, that any such summons or subpoena may be served by any person not a party to the action, but if served by any person other than an officer, no fees or mileage shall be allowed therefor, and service shall be proved by affidavit;
- (4) Serving an attachment, 50 cents;
- (5) Each copy of an attachment, 15 cents;
- (6) Each copy of an inventory of property seized on attachment, 15 cents;
- (7) Serving summons on garnishee, 50 cents;
- (8) Copy of any affidavit or other paper not herein provided for, ten cents per folio;
- (9) Posting each notice, 15 cents;
- (10) Attending on justice court, when required by the justice, \$1.00 per day;
- (11) For travel to and from the place of service, when necessary in serving any process or paper authorized to be served by them, ten cents per mile;
- (12) Committing to prison, 50 cents;
- (13) Summoning a jury, \$1.00;
- (14) Writing a list of jurors, 15 cents;
- (15) Attending on a jury, 50 cents;
- (16) On all sums collected on execution and paid over, charged upon the judgment debtor, five per cent;
- (17) Serving a writ of replevin, 50 cents;
- (18) Summoning and swearing appraisers and taking appraisalment, 50 cents;
- (19) Taking and approving security in any case, 25 cents.

A constable shall be allowed all reasonable and necessary expenses actually paid out for food and lodging furnished by him for any prisoner, at not to exceed \$1.00 per day while having such prisoner in custody pending trial and while conducting such prisoner to jail, together with the transportation charges for the prisoner paid to a common carrier. Where adjournment is for longer than three days, the prisoner shall be committed to the county jail.

[R. L. s. 2700; 1907 c. 190 s. 1; 1917 c. 170 s. 1] (6996)

357.13 POLICE OFFICERS; FEES IN STATE CASES. No police officer of any city shall receive any fee in a suit or prosecution brought in the name of the state, but any county may reimburse him for expenses actually incurred therein.

[R. L. s. 2701] (6997)

357.14 FEES OF JUSTICES OF THE PEACE. Justices of the peace shall be entitled to the following fees, and may tax them in cases when applicable:

- (1) For a summons, warrant, or subpoena, 25 cents;
- (2) For a venire for a jury, 25 cents;
- (3) For a warrant in a criminal case, 25 cents;
- (4) Taking a recognizance of bail, 25 cents;
- (5) For a writ of attachment, 25 cents;
- (6) Entering a judgment, \$1.00;
- (7) For taking and approving any bond, security, or recognizance, when required by law so to do, 25 cents;
- (8) Swearing a jury, 25 cents;
- (9) Entering a satisfaction of judgment, 25 cents;
- (10) Entering amicable suit without process, 25 cents;
- (11) For a transcript of judgment, 25 cents;
- (12) Opening a judgment for rehearing, 25 cents;
- (13) Issuing notice to take deposition, 25 cents;
- (14) For a search warrant, 25 cents;
- (15) For a commitment to jail, 25 cents;
- (16) For an order to bring up prisoner, 25 cents;

- (17) For an order issued to jailer to discharge prisoner, 25 cents;
- (18) For an execution, 25 cents;
- (19) For any other writ not herein specially named, 25 cents;
- (20) For taking and certifying an acknowledgment of a deed, for each grantor named, 25 cents;
- (21) Administering an oath, or certifying to the same when administered out of court, 15 cents;
- (22) Every adjournment, 15 cents;
- (23) Entering any order, motion, objection, or exception, 15 cents;
- (24) Discharging a prisoner after hearing on motion to discharge, 15 cents;
- (25) Taxing costs, 15 cents;
- (26) Taking an examination, deposition, or confession, 15 cents per folio;
- (27) For entering proceedings in his docket, 15 cents per folio;
- (28) For copies of proceedings, or of any paper or examination in any case, when demanded, 15 cents per folio;
- (29) For every affidavit or other paper drawn for which no other compensation is allowed by law, 15 cents per folio;
- (30) Issuing commission to take testimony, 50 cents;
- (31) Taking recognizance, certifying oath or affidavit, and making return to an appeal, including travel, \$2.00;
- (32) Performing marriage ceremony and making return thereof, \$1.50;
- (33) Holding an inquisition in cases of forcible entry and detainer, in addition to other fees, \$1.00;
- (34) For filing every paper required to be filed, 10 cents;
- (35) For necessary travel in the performance of his duty, when not otherwise provided for, ten cents per mile.

[R. L. s. 2702; 1917 c. 169 s. 1] (6998)

357.15 FEES IN JUSTICE COURTS; COSTS AND DISBURSEMENTS. In all civil actions, unless otherwise provided, the winning party shall recover costs.

On entering a judgment for costs, the justice may tax the same without notice.

The justice shall not allow travel fees to witnesses unless proved by the oath of some person qualified to testify in the action.

No travel fees for serving a subpoena shall be allowed unless charged by a constable or sheriff, or proved by the oath of the person serving it.

No costs shall be taxed for the attendance of more than two witnesses to each particular fact.

No fees for copies of exemplifications of documents or papers, or for depositions, shall be allowed unless the same were used upon the trial.

No disbursements shall be allowed except to officers unless the items are particularly specified and proved, and the justice shall determine that the same are necessary and reasonable in amount.

The justice shall hear evidence to prove that any charge is unreasonable in amount, or that the service has not been rendered.

[R. L. s. 2703] (6999)

357.16 FEES OF COMMISSIONERS TO TAKE TESTIMONY. A person commissioned to take testimony shall receive the same fees as are allowed to justices of the peace for like services.

[R. L. s. 2704] (7000)

357.17 FEES OF NOTARIES PUBLIC. The fees to be charged and collected by a notary public shall be as follows, and no other or greater fees shall be charged:

- (1) For protest of non-payment of note or bill of exchange or of non-acceptance of such bill, where protest is legally necessary, and copy thereof, \$1.00;
- (2) For every other protest and copy, 25 cents;
- (3) For making and serving every notice of non-payment of note or non-acceptance of bill and copy thereof, 25 cents;
- (4) For any affidavit or paper for which provision is not made herein, 20 cents per folio, and six cents per folio for copies;
- (5) For each oath administered, 25 cents;
- (6) For acknowledgments of deeds and for other services authorized by law, the legal fees allowed other officers for like services;

(7) For recording each instrument required by law to be recorded by him, ten cents per folio.

[R. L. s. 2705] (7001)

357.18 FEES OF REGISTER OF DEEDS IN CERTAIN COUNTIES. The fees to be charged and collected by the register of deeds shall be as follows, and no other or greater fees shall be charged:

- (1) For indexing and recording any deed or other instrument, ten cents per folio, to be paid when left for record;
- (2) Every certificate, ten cents;
- (3) Copies of any records or papers, ten cents per folio;
- (4) Recording any deed or other paper in other than the English language, 25 cents per folio;
- (5) Entering discharge of mortgage in the margin of the record, ten cents;
- (6) Filing every other paper, and entering the same when necessary, ten cents;
- (7) Searching for such paper on request, five cents for every paper examined;
- (8) Searching the record, ten cents;
- (9) An abstract of title, 25 cents for every transfer, and 25 cents for certificate.

In all counties where the compensation of the register of deeds is not fixed by special laws, having a population of over 19,000, and not exceeding 75,000, where the report of the register of deeds, made pursuant to section 382.05, shows that he received as fees in the preceding calendar year less than \$2,000, the county board of any such county shall thereupon pay to the register of deeds, from the county revenue fund, enough money to make the compensation of the register of deeds \$2,000 for the preceding calendar year; and in all counties having a population of over 10,000, and not exceeding 19,000, where such report of the register of deeds shows that he received as fees in the preceding calendar year less than \$1,500, the county board of any such county shall thereupon pay to the register of deeds, from the county fund, enough money to make the compensation of the register of deeds \$1,500 for the preceding calendar year; and in all counties having a population of 10,000, or less, where the report of the register of deeds shows he received as fees in the preceding calendar year less than \$1,200, the county board of any such county shall thereupon pay to the register of deeds, from the county fund, enough money to make the compensation of the register of deeds \$1,200 for the preceding calendar year.

This section shall not apply to counties having a population of more than 75,000, nor to any county where such fees are now fixed by special law.

[R. L. s. 2706; 1907 c. 256; 1911 c. 376 s. 1] (7002).

357.19 FEES OF REGISTER OF DEEDS IN HENNEPIN COUNTY. In all counties of this state now or hereafter having a population of more than 400,000, according to the last state or federal census, the fees for the register of deeds shall be as follows:

- (1) For indexing and recording any deed or other instrument, or certified copy thereof, if entitled to record, ten cents per folio, and five cents for numbering each instrument required to be recorded, to be paid when left for record;
- (2) For every certificate upon instruments filed and recorded, ten cents;
- (3) For issuing certified copies of any records or instruments filed, ten cents per folio, and 25 cents for certificate attached thereto;
- (4) For entering discharge of real estate mortgage or notice of lis pendens or writ of attachment, in the margin of the record, 20 cents;
- (5) For filing every other paper and entering the same, when the fee therefor is not otherwise provided, 25 cents;
- (6) For registering and recording names of farms, 50 cents;
- (7) For filing seed grain note or contract, 25 cents;
- (8) For filing certificate of discharge from the United States army, navy, or marine corps, 25 cents;
- (9) For filing a bill of sale or other instrument evidencing a lien on personal property or satisfaction thereof, 25 cents;
- (10) For certified copy of bill of sale or other instrument evidencing a lien on personal property, when the copy is furnished, 25 cents.

[1921 c. 442 s. 1] (7003)

357.20 FEES OF REFEREES; AGREEMENT BY PARTIES. The fees of referees shall be not less than \$5.00, nor more than \$25.00, each for every day spent in the business of the reference, as shall be fixed and allowed by the court

ordering the reference; but the parties may agree, in writing, upon any other rate of compensation, and such rate shall be allowed, any excess over the rate fixed by the court, as provided above, to be paid by the parties. In addition to the referee's fees, and as a part of the same, the court may tax and allow the usual bailiff's and reporter's fees, where a bailiff, reporter, or both, are employed in connection with the reference.

[R. L. s. 2707; 1921 c. 279 s. 1] (7004)

357.21 FEES FOR SERVICES UNDER LEGAL PROCESS; APPRAISERS. Appraisers of property taken on writ of attachment or replevin, persons appointed under the legal process or order for making partition of real estate, sheriff's aids in criminal cases, and all other private persons performing like services required by law or in the execution of legal process, where no express provision is made for compensation, shall be entitled to \$3.00 per day and five cents per mile for going and returning.

Appraisers of estates of decedents and of persons under guardianship shall be entitled to such reasonable fees for their services as may be allowed by the judge of the probate court wherein the proceeding is pending.

[R. L. s. 2708; 1909 c. 17 s. 1; 1925 c. 330] (7005)

357.22 FEES OF WITNESSES. The fees to be paid to witnesses shall be as follows:

(1) For attending in any action or proceeding in any court of record, in any justice court, or before any officer, person, or board authorized to take the examination of witnesses, \$1.00 for each day;

(2) For travel in going to and returning from the place of attendance, to be estimated from his residence, if within the state, or from the boundary line of the state where he crossed the same, if without the state, six cents per mile.

No person is obliged to attend as a witness in any civil case unless one day's attendance and travel fees are paid or tendered him in advance; and no officer or employee of any county, village, or city shall receive any witness fees in any case in which the state or any county or city therein, of which he is an officer or employee, is a party, if the case be tried in the village or city of which he is a resident.

[R. L. s. 2709] (7006)

357.23 WITNESS FEES OF OFFICERS OF MUNICIPALITIES. No officer or employee of any city, village, or county in this state shall receive or be paid any sum as witness fees in any case in which the state of Minnesota, the county, the city, or the village, of which he is an officer or employee, is a party, if the case be tried in the city or village of which he is a resident.

[1895 c. 241; 1905 c. 141 s. 1] (7007)

357.24 FEES IN CRIMINAL CASES. Witnesses for the state in criminal cases shall receive the same fees for travel and attendance as provided in section 357.22, and judges of the district court may, in their discretion, allow like fees to witnesses attending in behalf of any defendant. In courts of record these witness fees shall be certified and paid in the same manner as jurors, and in justice courts such fees shall be a county charge, and paid in the same manner as other county charges.

[R. L. s. 2710] (7008)

357.25 EXPERT WITNESSES. The judge of any court of record, before whom any witness is summoned or sworn and examined as an expert in any profession or calling, may, in his discretion, allow such fees or compensation as, in his judgment, may be just and reasonable.

[R. L. s. 2711] (7009)

357.26 COMPENSATION OF JURORS. Each grand juror and petit juror shall receive \$3.00 per day, including Sundays, for attendance in district court, and ten cents for each mile traveled in going to and returning from court in counties having a population of less than 225,000, and \$2.00 per day in counties having a population of more than 225,000, and less than 350,000, and \$3.00 per day and mileage, as above set forth, in counties having a population of over 350,000, the distance to be computed by the usually traveled route, and paid out of the county treasury. The clerk of the district court shall deliver to each juror a certificate for the number of days' attendance and miles traveled for which he is entitled

to compensation. Talesmen actually serving upon any petit jury shall receive the sum of \$3.00 per day.

[R. L. s. 2712; 1909 c. 129 s. 1; 1919 c. 73 s. 1; 1921 c. 95 s. 1; 1933 c. 123 s. 1] (7010)

357.27 CORONER AND JUSTICE JURORS. Each juror sworn before a coroner at an inquest taken by him shall receive \$1.00 for each day's attendance and ten cents for each mile traveled in going to and returning from the place of holding the same, the distance to be computed by the usually traveled route and paid out of the county treasury. The coroner shall deliver to each juror a certificate for the number of days' attendance and miles traveled for which he is entitled to compensation. Each juror sworn in any action pending in a justice court, or before any sheriff on a writ of inquiry, shall receive \$1.00, to be paid, in the first instance in all civil actions, by the party calling for such jurors. The certificate of the coroner for services rendered as a juror before him shall be filed with the county auditor, who shall draw his warrant upon the county treasurer for the amount, and such certificate shall be sufficient voucher for the issuance of such warrant.

[R. L. s. 2713] (7011)

357.28 FEES OF COURT COMMISSIONER. The fees to be charged and collected by a court commissioner shall be as follows, and no other or greater fees shall be charged:

- (1) For examining any petition, complaint, affidavit, or any paper wherein an order is required, \$1.00;
- (2) For making and entering an order on the same, 50 cents;
- (3) For examining an alleged insane or inebriate person for commitment, \$5.00;
- (4) For hearing and deciding on the return of a writ of habeas corpus, \$3.00 for each day necessarily occupied;
- (5) For examination of judgment debtors in proceedings supplementary to execution and for all disclosures in garnishment proceedings, in writing, 15 cents per folio;
- (6) For all other services rendered by him, the same fees as are allowed by law to other officers for similar services.

[R. L. s. 2715; 1915 c. 203 s. 2] (7012)

357.29 FEES FOR SERVICES NOT RENDERED; ILLEGAL FEES. No judge, justice, sheriff, or other officer, or any other person to whom any fee or compensation is allowed by law for any service, shall take or receive any other or greater fee or reward for such service than he is allowed by law, and no fee or compensation shall be demanded or received by any officer or person for any service unless the same was actually rendered, except in the case of prospective costs, as hereinafter specified. Any person violating either of the foregoing provisions shall be liable to the party aggrieved for treble the damages sustained by him.

[R. L. s. 2717] (7014)

357.30 TAXATION FOR SERVICES NOT RENDERED; PROSPECTIVE COSTS; ATTORNEY AS WITNESS. No fees shall be taxed for services not rendered, except when otherwise expressly provided, and upon entry of judgment or decree no prospective costs shall be taxed except for docketing the same, unless the party demanding judgment shall require the costs of an execution or transcript of judgment to be taxed, in which case it may be done. No attorney or counsel in any cause shall be allowed witness fees therein.

[R. L. s. 2718] (7015)

357.31 FEES FOR COPIES; ITEMIZED LIST; FEES UNIFORM. The legal fees paid for certified copies of the depositions of witnesses filed in any clerk's office, or any documents or papers filed or recorded in any public office, necessarily used on trial of a cause or on the assessment of damages, shall be allowed in the taxation of costs. Any officer receiving fees shall, on demand, furnish an itemized list and receipt the same on payment. On refusal to do so, he shall be liable to the party paying the same for three times the amount paid. Every officer shall be entitled to the same fees for performing the same service.

[R. L. s. 2719] (7016)

357.32 FEES OF WITNESS IN CRIMINAL CASES; WHEN AND HOW PAID. When it shall appear that any witness subpoenaed or required to appear on behalf of the state has come from another state or country or is poor, the court may, by order upon the minutes, direct the county treasurer to pay such witness a

reasonable sum for expenses. When a prosecution in the name of the state fails, or the defendant proves insolvent, escapes, or is unable to pay the fees when convicted, the same shall be paid out of the county treasury, unless otherwise ordered by the court. The attorney general or county attorney in each county may issue subpoenas and compel the attendance of witnesses in behalf of the state or county without payment of fees in advance; and, in criminal cases, the witnesses for the defendant shall also be compelled to attend without payment of fees in advance, and failure to attend after being served with a subpoena shall subject any witness to be proceeded against in the same manner as provided by law in other cases where payment of fees is required to be paid in advance. The clerk of any court in which a witness has attended in behalf of the state in a civil action shall give such witness a certificate of attendance and travel, which shall entitle him to receive the amount from the county treasurer.

[R. L. s. 2720] (7017)

357.33 FEES PUT IN COUNTY TREASURY. Unless otherwise provided by law, every county official receiving a stated salary shall receive the same in full compensation for all services and expenses whatsoever, and shall, on the first Monday of each month, file with the county auditor a correct statement of all fees received by him, and turn the same into the county treasury.

[R. L. s. 2721] (7018)