

CHAPTER 485

CLERKS OF THE DISTRICT COURT

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485.01 ELECTION; BOND; DUTIES. There shall be elected in each county a clerk of the district court, who, before entering upon the duties of his office, shall give bond to the county, to be approved by the county board, in a penal sum of not less than \$1,000, nor more than \$10,000, conditioned for the faithful discharge of his official duties. In counties having a population of more than 200,000, and less than 350,000, the amount of such bond shall be \$10,000, and in counties having a population of more than 350,000 the amount of such bond shall be \$25,000, which bond, with his oath of office, shall be filed for record with the register of deeds. Such clerk shall perform all duties assigned him by law and by the rules of the court. He shall not practice as an attorney in the court of which he is the clerk.

[R. L. s. 106; 1925 c. 337 s. 1] (191)

485.02 MONEY PAID INTO COURT; FEES. Where money is paid into court to abide the result of any legal proceedings, the judge, by order, may cause the same to be deposited in some duly incorporated bank, to be designated by him, or such judge, on application of any person paying such money into court, may require the clerk to give an additional bond, with like condition as the bond provided for in section 485.01, in such sum as the judge shall order. For receiving and paying over any money deposited with him, the clerk shall be entitled to a commission of one per cent on the amount deposited, one-half of such commission for receiving, the other for paying, the same to be paid by the party depositing such money; provided, that where the money is paid or deposited in any court by or for a city of the first class or the state of Minnesota, no fee or commission shall be paid to or for the clerk for any service performed by him in receiving or paying over any such money deposited with him.

[R. L. s. 107; 1921 c. 178; 1937 c. 188 s. 1] (192)

485.03 DEPUTIES. By an instrument in writing, under his hand and seal, and with the approval of the judge endorsed thereon, the clerk may appoint deputies, for whose acts he shall be responsible, and whom he may remove at pleasure. The appointment and oath of every such deputy shall be filed with the register of deeds.

[R. L. s. 108] (193)

485.04 ASSIGNMENT CLERK IN RAMSEY COUNTY. Subdivision 1. **Additional deputy.** In counties of this state now or hereafter having, according to the last completed state or national census, a population of not less than 240,000, and not more than 330,000, the clerk of the district court may appoint and employ a deputy clerk in addition to all other deputy clerks now provided for by law.

Subdivision 2. **To be assignment clerk.** Such deputy clerk shall be known as the assignment clerk, and his duties shall be to have charge of the calendar and the assignment of cases under the supervision of the court, and he shall have such other powers and duties as shall be determined by order or rule of the court.

Subdivision 3. **Salary.** The salary of such assignment clerk is hereby fixed at \$1,800 per annum, payable out of the county treasury in equal monthly instalments.

[1925 c. 52 ss. 1, 2, 3] (193-1) (193-2) (193-3)

485.05 DEPUTY CLERK IN ST. LOUIS COUNTY. In all counties in the state now or hereafter having a population of more than 150,000 and wherein regular terms of the district court are held in three or more places, the clerk of the district court therein, by an instrument in writing, under his hand and seal, and with the approval of the district judge of the judicial district in which said county is

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situated, or, if there be more than one such district judge, with the approval of a majority thereof, may appoint deputies for whose acts he shall be responsible, such deputies to hold office as such until they shall be removed therefrom, which removal shall not be made except with the approval of the district judge or judges. The appointment and oath of every such deputy shall be filed with the register of deeds.

[1935 c. 179] (193-4)

485.06 SEARCH OF RECORDS; CERTIFICATE; PUBLIC INSPECTION. The clerk, upon request of any person, shall make search of the books and records of his office, and ascertain the existence, docketing, or satisfaction of any judgment or other lien, and certify the result of such search under his hand and the seal of said court, giving the name of the party against whom any judgment or lien appears of record, the amount thereof, and the time of its entry; and, if satisfied of its satisfaction, and any other entries requested relative to such judgment. Nothing in this section shall prevent attorneys or others from having access to such books and records at all reasonable times, when no certificate is necessary or required.

[R. L. s. 109; 1907 c. 203 s. 1] (194)

485.07 BOOKS TO BE KEPT. Every clerk shall procure, at the expense of his county, and keep, the following books:

(1) A register of actions, in which he shall enter the title of each action, whether originally commenced in his said court, or brought there by appeal or transcript of judgment from justice court or from any court of record of the state or the United States, and a minute of each paper filed in the cause, and all proceedings therein;

(2) A judgment book, in which every judgment shall be entered;

(3) A docket, in which he shall enter alphabetically the name of each judgment debtor, the amount of the judgment, and the precise time of its entry;

(4) Indexes, as described in section 485.08, and such other books as the court, in its discretion, may direct.

[R. L. s. 110] (195)

485.08 INDEX OF RECORDS. Every clerk shall keep in separate books a plaintiff's and defendant's index to court records, in which all cases shall be entered in alphabetical order under the name of each plaintiff and defendant. They shall set forth the names of the parties, kind of action, term commenced, the record books and pages on which recorded, the term disposed of, date of judgment, book and page of judgment dockets, execution dockets, fee books, satisfied or not satisfied, and number of case. The defendant's index shall be ruled and printed in the same manner as plaintiff's except that the parties shall be reversed. They shall be ruled and printed substantially as follows:

Plaintiffs	Defendants	Kind of Action	Term Commenced	Record Book	Pages
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Term disposed of	Date of Judgment	Judgment Docket	Execution Docket	Fee Book	Satisfied or not Satisfied	Number of Cases
	Month Day	Book Page	Book Page	Book Page		

[R. L. s. 111] (196)

485.09 REPORT IN CRIMINAL CASES TO COUNTY ATTORNEY. The clerk of every court of record having criminal jurisdiction, within ten days after the adjournment of any such court, shall tax the costs or disbursements paid or

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incurred by the state in the trial of each criminal case tried during such term, enter the amount thereof in the record in each, and forthwith report to the county attorney the amount of such costs and disbursements taxed in each case, the amount of fines imposed, and the amount thereof paid.

[*R. L. s. 112*] (197)

485.10 ENTRY OF UNREGISTERED CASES. Every clerk shall enter upon the proper registers all cases, civil and criminal, which, through a mistake, inadvertence, or neglect of his predecessor in office, have not been registered. The true date of the filings in such cases shall be entered in the registers, and the entries, when so made, shall have the same force and effect as if made by the clerk at the proper time; provided, that, in docketing any judgment, the date thereof shall be the time when actually docketed, and the lien thereof shall attach only from such date.

[*R. L. s. 113*] (198)

485.11 PRINTED CALENDARS. The clerk of the district court in each of the several counties of this state shall provide printed calendars of the cases to be tried at the general terms thereof at the expense of the counties where such court is held. This section shall not apply to a county constituting one judicial district where only one term of court is held each year.

[1909 c. 369 s. 1] (199)

485.12 VACANCY. Vacancies in the office of the clerk shall be filled by appointment by the judge. The appointee shall give the bond and take the oath required by law, and shall hold his office until the next general election, and until his successor qualifies. In case any such clerk is adjudged insane, the judge shall appoint a competent person to act as clerk in his place until he shall be duly declared restored to sanity. The person so appointed shall take the oath and give the bond required by law of clerks of the district court, and shall be entitled to the fees and emoluments of the office during the time he shall so act, and his acts shall have the same force and effect as if performed by such clerk.

[*R. L. s. 114*] (200)