

CHAPTER 485

CLERKS OF THE DISTRICT COURT

485.01 ELECTION; BOND; DUTIES.

A qualified person may be a veterans service officer while holding the office of clerk of court. OAG Dec. 11, 1945 (104-B-15).

485.011 SALARIES OF CLERKS OF DISTRICT COURT OF CERTAIN COUNTIES.

A clerk of court employed under statutory salary is not entitled to keep for his own use fees collected for issuance of personal property tax warrants. OAG May 26, 1945 (144-A-4).

L. 1931, c. 15, applying to Pennington county, insofar as it relates to compensation of clerk of court, is inconsistent with L. 1943, c. 191, and is repealed. OAG Oct. 4, 1946 (144-a-4).

485.013 COMPENSATION.

A clerk of court serving on a salary basis is not entitled to keep as his own fees for filing certificates of conviction before a justice of the peace. OAG July 26, 1945 (144-B-4).

The clerk may not charge a fee for filing a transcript of the record of the coroner's inquest. OAG Nov. 9, 1945 (144-B-15).

485.016 SALARIES.

Subdivision 3, amended by L. 1947 c. 605 s. 1.

Subdivision 4, amended by L. 1947 c. 605 s. 2.

485.02 MONEY PAID INTO COURT; FEES.

If a judicial deposit with the clerk earns interest, such interest belongs to the one entitled to the deposit. OAG Dec. 10, 1944 (144b-18).

Unless otherwise ordered by the court, the clerk may keep money on deposit in his safe. In case of loss, the clerk would be liable. OAG Jan. 8, 1945 (144-18).

485.03 DEPUTIES.

The acts of the deputy have the same force as though performed by the principal in person; and in the instant case the certificate of acknowledgment of a deed in due form, under seal, is sufficient to entitle the deed to record, and is presumptive evidence of the facts disclosed. *Piper v Chippewa Iron Co.* 51 M 495, 53 NW 870.

Except for the conditions and limitations set forth in Sp. L. 1891, c. 424, a deputy clerk of court is an employee of the county, and not of the clerk of court, and as such may maintain an action against the county for services. The conditions and limitations, however, cannot be waived. *Sertedahl v Board*, 84 M 509, 88 NW 21.

A minor may be appointed a deputy provided his duties are ministerial only and provided no bond is required. OAG Jan. 31, 1945 (144a-1).

485.04 ASSIGNMENT CLERK IN RAMSEY COUNTY.

Special legislation in Minnesota. 7 MLR 133, 11 MLR 206; *Krum*, Minnesota Constitution, 97.

MINNESOTA STATUTES 1947 ANNOTATIONS

485.06 SEARCH OF RECORDS; CERTIFICATE; PUBLIC INSPECTION.

Section 281.47 provides for the entry of judgment by confession for delinquent real estate taxes, but the judgment so rendered is not a personal judgment, but a judgment in rem. It not being a money judgment, it should not be docketed by the clerk as such, nor should it be included in a certificate of the clerk. 1944 OAG 65, Aug. 23, 1944 (144-B-3).

Papers should show filing as of the date received. Judgment should be indexed as of the date actually entered. OAG June 2, 1945 (144-B-5).

485.07 BOOKS TO BE KEPT.

When a confession of judgment is presented to the clerk of the district court, with a request to enter and docket a judgment thereon; and he fails to do so, he is liable to the judgment creditor for the damages sustained by such neglect. *Whelan v Reynolds*, 101 M 290, 112 NW 223.