

89022

GENERAL STATUTES OF MINNESOTA

SUPPLEMENT 1917

CONTAINING THE AMENDMENTS TO THE GENERAL STATUTES
AND OTHER LAWS OF A GENERAL AND PERMANENT
NATURE, ENACTED BY THE LEGISLATURE
IN 1915, 1916, AND 1917

WITH NOTES OF ALL APPLICABLE DECISIONS

COMPILED BY

FRANCIS B. TIFFANY



WEST PUBLISHING CO.

1918

CHAPTER 48

OATHS AND ACKNOWLEDGMENTS

ACKNOWLEDGMENTS

5747. **Officers and stockholders of corporations—Protest**—Any person authorized to take acknowledgments or administer oaths, who is at the same time an officer, director, or stockholder of a corporation, is hereby authorized to take acknowledgments of instruments wherein such corporation is interested, and to administer oaths to any officer, director or stockholder of such corporation as such, and to protest for non-acceptance or non-payment bills of exchange, drafts, checks, notes and other negotiable or non-negotiable instruments which may be owned or held for collection by such corporation, as fully and effectually as if he were not an officer, director or stockholder of such corporation. (Amended '15 c. 20 § 1)

[5754—]1. **Acknowledgment before member of legislature—Curative**—That all acknowledgments taken by any member of the legislature of this state as a notary public, who at the time of taking such acknowledgment was a member of said state legislature, are hereby legalized and made valid and effectual in all particulars, together with the records thereof where the instrument bearing such acknowledgment has been recorded as provided by law; provided that this act shall not extend to any action or proceeding now pending. ('17 c. 286 § 1)

CHAPTER 49

FEES

5761. [Repealed.]

See § [5761—]2.

[5761—]1. **Charges in supreme court**—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. ('15 c. 177 § 1, amended '17 c. 66 § 1)

[5761—]2. Same—Liability of clerk—Repeal—That the clerk of the supreme court shall be held liable or responsible for no other charges except as provided in Section 1 hereof [5761—1], and that Section 5761 General Statutes of Minnesota 1913, is hereby repealed, except as to appeals pending in said court at the time of the taking effect of this act. ('15 c. 177 § 2)

5762. Fees of sheriffs— * * *

25. 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 fifteen cents per mile for the first twenty miles of the total mileage and ten cents a 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. (Par. 25, amended '17 c. 363 § 1)

5765. Fees of constables— * * *

2. For a copy of every 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. (Subds. 2, 3, amended '17 c. 170 § 1)

5767. Fees of justices of the peace— * * *

6. Entering a judgment \$1.00.

34. For filing every paper requiring to be filed 10 cents. (Subds. 6, 34, amended '17 c. 169 § 1)

5774. Fees of witnesses—

A nonresident witness is entitled to mileage computed by the usually traveled route from his residence to the place of trial, and where there are several usually traveled routes he may select any one of them without respect to its length (133-33, 157+896). Witnesses, ~~29~~.

A party procuring the attendance of a witness at the trial is liable for his per diem and mileage, though he provides him with free transportation, and such fees and mileage may be taxed as costs, with other disbursements (133-33, 157+896). Witnesses, ~~30~~.

5778. Fees of jurors—

Cited on meaning of words "necessarily traveled" as used in § 685 (134-346, 159+791).

5779. Coroner and justice jurors—

See 134-346, 159+791, citing this section on question of meaning of words "necessarily traveled" in § 685.

5781. Fees of court commissioners—

1. For examining any petition, complaint, affidavit, or any paper wherein an order is required, one dollar.

2. For making and entering an order on the same, fifty cents.

3. For examining an alleged insane or inebriate person for commitment, five dollars.

4. For hearing and deciding on the return of a writ of habeas corpus, three dollars 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, fifteen 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. (Amended '15 c. 203 § 2)