

CHANGES

-IN THE-

General Statutes of 1878,

EFFECTED BY THE

GENERAL LAWS OF 1879 AND 1881,

Arranged with reference to the Chapter and Section Amended.

SAINT PAUL:
WEST PUBLISHING COMPANY.
1883.

hundred dollars in value, shall be exempt from attachment or sale on any final process, issued from any court in this state. (*As amended 1876, c. 43, § 1; 1881, c. 25, § 1.*)

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In eleventh paragraph, as to amount of wages of laborer exempt, for *fifty dollars* read *twenty dollars*. (*As amended 1879, c. 5, § 1.*)

See page 756.

CHAPTER LXVII.

COSTS.

COSTS IN CRIMINAL PROCEEDINGS.*

*§ 15a. **Costs in criminal proceeding.** In all criminal actions, upon the conviction of the defendant, the court may, in its discretion, in addition to the punishment now or hereafter provided by law for such offence, and as a part of the sentence to be pronounced, adjudge that the defendant shall pay the whole or any part of the costs and disbursements of the prosecution, and payment thereof may be enforced in the same manner as is or may be provided for enforcing such sentence, or by execution against his property. (1881, c. 122, § 1.)

*§ 15b. **To be paid into county treasury.** The costs and disbursements, when collected, shall be paid into the treasury of the county where the conviction is had, for the use and benefit of such county: *provided*, the provisions of this act shall in no manner interfere with or change the payment of officers', witnesses', or jurors' fees, as now provided by law. (*Id.* § 2.)

*§ 15c. **To what cases not applicable.** The provisions of this act shall not apply nor extend to any act done nor offence committed prior to the passage hereof. (*Id.* § 3.)

See page 766.

CHAPTER LXX.

FEEES.

FEEES OF CLERKS OF DISTRICT COURT.

§ 2a. **Clerks' fees in counties where compensation is \$800 or less.** That in counties where the clerks of district courts do not receive compensation for their services to exceed the amount of eight hundred (800) dollars per annum, they shall be entitled to charge and receive fees as follows:

For issuing and sealing every writ, summons, subpoena or process, seventy-five (75) cents.

Certified copy of such writ when required, ten (10) cents per folio and twenty-five (25) cents for certificate.

Entering the return of every writ and filing such writ, fifteen (15) cents per folio.

Entering an appearance, *retraxit*, discontinuance, nonsuit, or default, twenty (20) cents.

Entering every rule, order, or motion in term, fifteen (15) cents per folio.

Certified copies of rules or orders, ten (10) cents for each folio and twenty-five (25) cents for certificate.

Every report on assessment of damages or other matter referred to him, seventy-five (75) cents and (15) cents per folio for such report when it exceeds five folios

Every certificate, twenty-five (25) cents.

Calling and swearing grand jury, one (1) dollar.

(*An act relating to costs and disbursements in criminal actions. Approved February 13, 1881.)

MINNESOTA STATUTES 1881 SUPPLEMENT

132

FEES.

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- Calling and swearing petit jury in civil cases, seventy-five (75) cents.
 - Swearing jurors in criminal cases, ten (10) cents for each oath administered.
 - Swearing triers, ten (10) cents for each oath administered.
 - Swearing each witness on trial, fifteen (15) cents.
 - Swearing officer to take charge of jury, twenty (20) cents.
 - Entering or taking recognizance, seventy-five (75) cents.
 - Entering cause on a calendar for the court and making a copy thereof for the bar, twenty (20) cents.
 - Receiving and entering a verdict, thirty (30) cents.
 - Entering an action without process, sixty-five (65) cents.
 - Certified copy of minutes of trial, when required, seventy-five (75) cents.
 - Entering final judgment when the same does not exceed three (3) folios, fifty (50) cents, and fifteen (15) cents for each additional folio.
 - Copy of judgment to be attached to judgment roll, fifteen (15) cents for each folio.
 - Entering satisfaction of judgment, twenty (20) cents for each debtor.
 - Drawing special jury, seventy-five (75) cents.
 - Filing every paper, ten (10) cents.
 - Copies and exemplifications of records and pleadings, fifteen (15) cents for each folio.
 - Searching the records or files in his office, if a copy is not required, twenty (20) cents for the records or files of each year.
 - Administering oaths not otherwise provided herein, twenty-five (25) cents.
 - Recording credentials of ordination and giving certificate, one (1) dollar.
 - Recording certificate of solemnization of marriage, fifty (50) cents.
 - Filing and docketing transcript of judgment from another county, or from justice's court, when but one judgment debtor, thirty (30) cents and twenty (20) cents for each additional judgment debtor.
 - Entering an appeal or transcript from justice's court, sixty-five (65) cents.
 - Entering a surrender of bail, thirty (30) cents.
 - Issuing commission to take deposition, one (1) dollar.
 - Issuing *venire facias*, one (1) dollar.
 - Certificate of jurors and witnesses in attendance at court, fifteen (15) cents.
 - Entering forfeiting of recognizance, thirty (30) cents.
 - Entering a declaration to become a citizen of the United States, fifty (50) cents.
 - Certified copy of such declaration, under seal of the court, seventy-five (75) cents.
 - Entering final admission of an alien to the rights of citizenship, fifty (50) cents.
 - A certified copy thereof, under the seal of the court, seventy-five (75) cents.
 - Making docket entries of judgments, twenty (20) cents for each judgment debtor.
 - Admission of attorneys, two (2) dollars.
 - Taxing costs, fifty (50) cents.
 - Certified copy of marriage record, fifty (50) cents.
 - Certified transcript of docket entry, fifty (50) cents.
 - Attendance in court for each day of actual session, three (3) dollars.
 - For other services required by law to be performed by such clerk, respectively, such fees as compare favorably with the rates herein prescribed, and as may be established by general rule or order of the court. (1881, c. 120, § 1.)
- See page 771.

CLERK'S FEES IN HENNEPIN COUNTY.*

*§ 4a. **Schedule of fees—deposit.** The compensation of the clerk of the district court of said Hennepin county shall be as follows:

For each entry of a discontinuance, nonsuit, or default, five cents.

For each entry of every return on writ or order, five cents.

(*An act to fix the compensation and fees of certain county officers in Hennepin county. Approved February 16, 1881, c. --, § 2)

For certified copies or orders, seven and one-half cents for each folio.

For every report upon an assessment of damages, seven and one-half cents for each folio.

For every certificate, ten cents.

For calling and swearing jury, twenty-five cents.

For administering oath and making entry thereof in minutes of court, ten cents.

For making certificate thereof at request of party, ten cents.

For entering every recognizance, twenty-five cents.

For entering every cause on calendar for court and making copy thereof for the bar, ten cents.

For receiving and entering a verdict, fifteen cents.

For entering every cause or suit in register, fifteen cents.

For certified copies of the minutes of a trial, when requested, seven and one-half cents per folio.

For entering every final judgment, twenty-five cents, and seven and one-half cents for each folio exceeding three.

For indexing case in register, five cents.

For copy of judgment to be attached to judgment roll, seven and one-half cents per folio.

For entering satisfaction of judgment, five cents for each debtor.

For drawing a special jury in cause, fifty cents.

For writ or subpoena when issued on request, under seal, twenty cents.

For copies and exemplification of records and of pleadings, seven and one-half cents per folio.

For searching the records or files in his office if a copy is not required, fifteen cents.

For taking affidavits and acknowledgments, including certificate thereof, not otherwise provided for herein, twenty cents.

For recording credentials of ordination of ministers and giving certificates of the same, fifty cents.

For filing and recording copy of certificate of marriage when license was issued from another county, twenty cents.

For entering a surrender of bail, ten cents.

For issuing a commission to take deposition, twenty-five cents.

For issuing a *venire facias*, forty cents.

For issuing a certificate of jurors' or witnesses' attendance at court to be paid from county treasury, five cents.

For entering forfeiture of recognizance, ten cents.

For entering a declaration to become a citizen of the United States, and for making a copy thereof, twenty-five cents.

For entering the final admission of an alien to the rights of citizenship, and for making copy thereof, twenty-five cents.

For making docket entries of judgment, five cents for each judgment debtor.

For filing and docketing transcript of judgment from another county or from justice's court when but one judgment debtor, twenty cents, and five cents for each additional judgment debtor in addition to the fees for entering the cause.

For transcript of judgment, twenty-five cents.

For filing papers, five cents each.

For granting license of marriage with the seal affixed thereto, administering the oath to the applicant therefor, recording the certificate of marriage, and filing the necessary paper, one dollar.

For certified copy of such license and certificate when requested, twenty-five cents.

For taxing costs, fifteen cents.

For attendance at court, or for the purpose of drawing juries, three dollars per day.

When more than one session of the court shall be held at the same time, requir-

ing the attendance of the clerk by deputy at one or more of such sessions, such *per diem* shall also be allowed for such necessary deputy or deputies; and no civil action, proceeding, or appeal shall be entered in the clerk's office of the said district court until the plaintiff, relator, or appellant, desiring such entry, shall deposit with said clerk the sum of one dollar as security for the clerk's fees in such action, proceeding, or appeal, and out of which said clerk shall satisfy the fees due from such party as they accrue; and whenever said sum is exhausted, but not before, the said clerk shall require, as a condition of further entries for said party, an additional deposit of one dollar for the purpose and application aforesaid, and the same amount in the same condition, for the same purpose and application, whenever such exhaustion occurs; and any balance remaining after the termination of the action, proceeding, or appeal shall be returned to the party depositing the same, or to his attorney in the proceeding. This provision shall not apply in cases where the city of Minneapolis or the county of Hennepin is interested, or the state of Minnesota, or to cases when applications are made for judgment for taxes or assessments; and the *per diem* compensation mentioned herein shall be in full of all compensation, fees, or allowances in suits or proceedings; when either said county, or any city or town thereof, or the state, is interested; but in all such cases, and in cases of special assessments and tax judgments, the fees shall be charged and taxed as now provided by law, and shall be collected and paid into the treasury of the town, city, or county entitled thereto.

FEES OF WITNESSES.

§ 10. (SEC. 9.) **Witness fees in criminal cases.** Witnesses for the state in criminal cases or proceedings before any court of record or justice's court, shall receive for such attendance one dollar for each day and six cents per mile in going to and returning from the place of attendance. The judges of the district court may, in their discretion, allow like fees to witnesses attending in behalf of any defendant in criminal cases or proceedings pending in the district court. In courts of record said witness fees shall be certified and paid in the same manner as jurors in said court are paid, and in justice courts said fees shall be a county charge, and be allowed and paid by the county in which such services are rendered, in the same manner as other county charges. (*As amended 1881, c. 74, § 1.*)

See page 775.

*§ 12. Fees of sheriff of Hennepin county in foreclosures by advertisement, execution sales, and for boarding and washing of prisoners. (*See Sp. Laws 1881, c. ---.*)

FEES OF REGISTERS OF DEEDS.

§ 26a. **Registers' fees in counties where compensation does not exceed eight hundred dollars.** That in counties where registers of deeds do not receive compensation for their services to exceed the amount of eight hundred (800) dollars per annum, they shall be entitled to charge and receive fees as follows:

For entering and recording any deed or other instrument, twelve and one-half (12½) cents per folio, to be paid when the same is left for record.

Every certificate, twenty-five (25) cents.

For copies of any record or papers, when required, ten (10) cents per folio.

For recording any deed in any other than English language, twenty (20) cents per folio.

Every entry of discharge of mortgage in margin of record, ten (10) cents.

Filing every other paper and making due entry thereof when necessary, ten (10) cents.

Searching for every such paper on request, five (5) cents for every paper examined.

Searching record, ten (10) cents.

For an abstract of title, twenty-five (25) cents for every transfer, and fifty (50) cents for his certificate. (1881, c. 120, § 2.)

See page 781.

REGISTER'S FEES IN HENNEPIN COUNTY.

*§ 27a. **Schedule of fees.** The compensation of the register of deeds for the county of Hennepin, in this state, shall be as follows:

For entering, indexing, and recording any deed or other instrument, seven and one-half cents for each folio, to be paid when the same is left for record.

For every certificate, ten cents.

For copies of any records or paper, when required, seven and one-half cents for each folio.

For recording any deed or any other paper in any other than the English language, fifteen cents per folio.

For entering the discharge of mortgage in the margin of the record, ten cents.

For filing every instrument and making an entry thereof, when necessary, five cents. (*Sp. Laws 1881, c. —, § 1.*)*

See page 781.

CHAPTER LXXI.

PETIT JURIES.

Add to § 4, p. 784:

Provided, that in the county of Hennepin the petit jurors shall be summoned to appear at nine o'clock A. M. on the second Tuesday of each general term of the district court for said county, unless said court, by an order made at least fifteen (15) days before the term, shall direct that the petit jurors be summoned to appear at an earlier day in the term. (*As amended 1881, c. 45, § 1.*)

Ch. LXXI, § 4. See 1883 Sup'l, p. 80.

CHAPTER LXXIII.

WITNESSES AND EVIDENCE.

THE PRINTED STATUTES OF THIS STATE, ETC.

*§ 56a. **Statutes prepared by George B. Young.** The edition of the General Statutes and other public laws of this state in force at the close of the legislative session of eighteen hundred and seventy-eight, (1878,) prepared by George B. Young, pursuant to chapter sixty-seven (67) of the General Laws of eighteen hundred and seventy-eight, (1878,) shall be competent evidence of the several acts and resolutions therein contained, in all courts of this state, without further proof or authentication. (1879, c. 67, § 1.)

*§ 56b. **How to be cited.** Said compilation shall be known and cited as "General Statutes 1878." (*Id.* § 2.)

*§ 58a. **Certified copies of decisions.** The state librarian, upon the application of any person, may make out and certify, under his official seal, a copy or copies of any judicial decision, of any report or proceeding contained in any of the laws or equity reports in his office or under his charge, as such librarian, and of any other document or paper in his custody, and any such certified copy may be used and read before any judge or court, or in any legal proceeding, to the same effect as the original book, report, document or paper could or might be used if produced before such judge, court, or other authority, and he shall be entitled to charge for the same at the rate of fifteen cents per folio. (1879, c. 89, § 1.)

See page 800.

(*An act to fix the compensation and fees of certain county officers of Hennepin county. Approved February 16, 1881.)