

# GENERAL STATUTES

OF THE

STATE OF MINNESOTA,

IN FORCE JANUARY, 1891.

VOL. 2.

CONTAINING ALL THE LAW OF A GENERAL NATURE NOW IN FORCE AND NOT IN  
VOL. 1, THE SAME BEING THE CODE OF CIVIL PROCEDURE AND ALL REME-  
DIAL LAW, THE PROBATE CODE, THE PENAL CODE AND THE CRIM-  
INAL PROCEDURE, THE CONSTITUTIONS AND ORGANIC ACTS.

COMPILED AND ANNOTATED

BY

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OF THE ST. PAUL BAR.

SECOND EDITION.

ST. PAUL:

PUBLISHED BY THE AUTHOR.

1891.

CHAPTER 71 (G. S. ch. 70).

FEEES.

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SEC. 5227. **Fees.**— For the services mentioned in this chapter, the fees hereinafter described are allowed:

G. S. ch. 70, § 1.

FEEES OF CLERKS OF DISTRICT COURTS.

SEC. 5228. **Schedule.**— For issuing and sealing every writ, summons, subpoena or process, fifty cents.

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

Entering the return of every writ and filing such writ, ten cents per folio.

Entering an appearance, retraxit, discontinuance, non-suit, or default, twenty cents.

Entering every rule, order or motion, in term, ten cents for each folio.

Certified copies of rules or orders, ten cents for each folio and twenty-five cents for the certificate.

Every report upon an assessment of damages or other matter referred to him, seventy-five cents, and ten cents per folio for such report when it exceeds five folios.

Every certificate, twenty-five cents.

Calling and swearing grand jury, fifty cents.

Calling and swearing petit jury in civil causes, fifty cents.

Swearing jurors in criminal causes, ten cents for each oath administered.

Swearing each witness on trial, ten cents.

Swearing officers to take charge of jury, ten cents.

Entering or taking a recognizance, fifty cents.

Entering a cause in a calendar for the court, and making a copy thereof for the bar, twenty cents.

Receiving and entering a verdict, twenty-five cents.

Entering an action without process, fifty cents.

Certified copy of the minutes of a trial, when required, ten cents per folio.

Entering a final judgment, when the same does not exceed three folios, fifty cents, and ten cents for each additional folio.

Copy of judgment to be attached to judgment-roll, ten cents for each folio.

Entering satisfaction of judgment, twenty cents for each judgment debtor.

Drawing a special jury, seventy-five cents.

Filing every paper, five cents.

Copies and exemplifications of records and pleadings, ten cents for each folio.

Searching the records or files in his office, if a copy is not required, twenty cents for the records or files of each year.

Administering oaths not otherwise provided for herein, twenty-five cents.  
Recording credentials of ordination of ministers; and giving a certificate, seventy-five cents.

Recording certificate of solemnization of marriage, fifty cents.

Filing and docketing transcripts of judgment from another county, or from justice court, when but one judgment debtor, twenty-five cents, and ten cents for each additional judgment debtor.

Entering an appeal or transcript from justice court, fifty cents.

Entering a surrender of bail, twenty-five cents.

Issuing commission to take deposition, one dollar.

Issuing venire facias, one dollar.

Certificate of juror's and witness' attendance at court, fifteen cents.

Entering forfeiture of recognizance, twenty-five cents.

Entering discharge of bail, twenty-five cents.

Entering a declaration to become a citizen of the United States, fifty cents.

A certified copy of such declaration under the seal of the court, fifty cents.

Entering the final admission of an alien to the rights of citizenship, fifty cents.

A certified copy thereof, under the seal of the court, fifty cents.

Making docket entries of judgments, twenty cents for each judgment debtor.

Admission of attorneys, one dollar.

Taxing costs, fifty cents.

Certified copy of marriage record, fifty cents.

Certified transcript of docket entry, fifty cents.

Attendance on court, for each day of actual session, three dollars.

**Judgments.**— For searching the judgment docket books of his office and certifying to the existence or non-existence of judgments docketed therein he shall receive as fees the sum of fifty cents. This act shall not apply to the county of Rice.

1889, ch. 160.

**Other services.**— For all 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: *provided*, that the fees of clerks of the district court, in actions for the foreclosure of mortgages on real estate, where no trial is had, shall not exceed the sum of four dollars for all services required to be performed by said clerks in such actions.

**Salary.**— The provisions of this act shall not affect the salary of any county officer whose salary is now provided for by a special law for such county, fixing his salary, nor to the salary, fees or clerk hire of the county auditor or county treasurer of the county of Dodge, but such officers shall be entitled to receive only such salary, fees and clerk hire as is now by law provided, nor to the counties of Ramsey and Hennepin, nor Kandiyohi.

**Deposit.**— *Provided further*, that no civil action, appeal or proceeding shall be entered in the clerk's office of said district court until the person desiring such entry shall deposit with said clerk the sum of three dollars on account of fees in the case, and out of which the clerk shall satisfy the fees due in such case as they accrue, and whenever said sum or any further deposit is exhausted, said clerk may require as a condition for further entries or clerks' fees, an additional deposit of one dollar for the purposes and application aforesaid. Any balance remaining with the said clerk after such application, and the determination of the case shall be returned to the party depositing the same, his agent or attorney. This act shall not apply to the counties of Hennepin or Ramsey or Dakota.

**Deputies and fees.**— *Provided further*, that on the holding of any terms of the district court in and for any county in this state, the presiding judge thereof shall, in his discretion, determine and fix by his order the number of

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deputies which shall in his judgment be necessary for the clerk of said court to have in attendance during said term of said court, and may revoke, modify or revise said order at pleasure during said term, and thereupon said clerk shall appoint or discharge said deputies in pursuance of such order or its modifications. Such deputy or deputies so appointed shall receive the same fees per diem as said clerk.

G. S. ch. 70, § 2, as amended 1877, ch. 120, § 5; 1878, ch. 50, § 1; 1883, ch. 48; 1885, ch. 101; 1889, ch. 160. 33 M. 411; 34 M. 214.

SEC. 5229. **In certain counties.**— That in counties where the clerks of district courts do not receive compensation for their services to exceed the amount of eight hundred 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 cents.

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

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

Entering an appearance, retraxit, discontinuance, nonsuit or default, twenty cents.

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

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

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

Every certificate, twenty-five cents.

Calling and swearing grand jury, one dollar.

Calling and swearing petit jury in civil cases, seventy-five cents.

Swearing jurors in criminal causes, ten cents for each oath administered.

Swearing triers, ten cents for each oath administered.

Swearing each witness on trial, fifteen cents.

Swearing officer to take charge of jury, twenty cents.

Entering or taking recognizance, seventy-five cents.

Entering cause on a calendar for the court and making a copy thereof for the bar, twenty cents.

Receiving and entering a verdict, thirty cents.

Entering an action without process, sixty-five cents.

Certified copy of minutes of trial, when required, seventy-five cents.

Entering final judgment when the same does not exceed three folios, fifty cents, and fifteen cents for each additional folio.

Copy of judgment to be attached to judgment roll, fifteen cents for each folio.

Entering satisfaction of judgment, twenty cents for each debtor.

Drawing special jury, seventy-five cents.

Filing every paper, ten cents.

Copies and exemplifications of records and pleadings, fifteen cents for each folio.

Searching the records or files in his office, if a copy is not required, twenty cents for the records or files of each year.

Administering oaths not otherwise provided herein, twenty-five cents.

Recording credentials of ordination and giving certificate, one dollar.

Recording certificate of solemnization of marriage, fifty cents.

Filing and docketing transcript of judgment from another county, or from justice's court, when but one judgment debtor, thirty cents and twenty cents for each additional judgment debtor.

Entering an appeal of transcript from justice's court, sixty-five cents.

Entering a surrender of bail, thirty cents.

Issuing commission to take deposition, one dollar.

Issuing venire facias, one dollar.

Certificate of jurors and witnesses in attendance at court, fifteen cents.

Entering forfeiture of recognizance, thirty cents.

Entering a declaration to become a citizen of the United States, fifty cents.

Certified copy of such declaration under seal of the court, seventy-five cents.

Entering final admission of an alien to the rights of citizenship, fifty cents.

A certified copy thereof under the seal of the court, seventy-five cents.

Making docket entries of judgments, twenty cents for each judgment debtor.

Admission of attorneys, two dollars.

Taxing costs, fifty cents.

Certified copy of marriage record, fifty cents.

Certified transcript of docket entry, fifty cents.

Attendance in court for each day of actual session, three 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, ch. 120, § 1: "An act relating to the fees of clerks of district courts and registers of deeds in certain counties." Approved March 7, 1881.

**SEC. 5230. In Hennepin and Ramsey counties.**—The fees and compensation of the clerks of the district court and court of common pleas of said counties, shall be as follows:

For entering a discontinuance, nonsuit or default, ten cents.

Entering every return on writ or order, ten cents for each folio.

For certified copies of orders, the same fees as for entering such orders.

Every report upon an assessment of damages or matter referred to him, ten cents for each folio.

Every certificate, twenty-five cents, but not to be allowed for certifying any paper to be a copy, for the copying of which he shall be paid.

Calling and swearing a jury, fifty cents.

Swearing each witness on trial, ten cents.

And swearing officer to take charge of jury, ten cents.

Entering every recognizance, fifty cents.

Entering every cause in calendar for court, and making a copy thereof for the bar, ten cents.

Receiving and entering a verdict, twenty cents.

Entering every cause or suit in register, twenty-five cents.

Certified copy of the minutes of a trial, when requested, ten cents per folio.

Entering every final judgment, thirty cents, and ten cents for each folio exceeding three.

For indexing case in register, ten cents.

For copy of judgment, to be attached to judgment-roll, ten cents for each folio.

Entering satisfaction of a judgment, ten cents for each judgment-debtor.

Drawing a special jury in cause, fifty cents.

For a writ or subpoena, when issued by a clerk on request, and sealing the same, twenty-five cents.

Copies and exemplifications of records and of pleadings, ten cents for each folio.

Searching the records or files in his office, if a copy is not required, twenty-five cents.

For administering oaths not otherwise provided for herein, twenty-five cents.

Recording credentials of ordination of ministers, and giving certificate of the same, one dollar.

Entering appeal from justice court, twenty five cents.

Entering a surrender of bail, fifteen cents.

Issuing a commission to take deposition, fifty cents.

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Issuing a venire facias, fifty cents.

Certificate of jurors' or witnesses' attendance at court, to be paid from county treasury, each five cents.

Entering forfeiture of recognizance, fifteen cents.

Entering discharge of bail, fifteen cents.

For entering a declaration to become a citizen of the United States, twenty-five cents.

For a certified copy of such declaration, under the seal of the court, twenty-five cents.

For entering the final admission of an alien to the rights of citizenship, twenty-five cents.

For a certified copy thereof, under the seal of the court, twenty-five cents.

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

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

For docketing and entering the return of and filing execution, twenty-five cents.

For certified copy or transcript of judgment, fifty 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 papers, one dollar and fifty cents.

Taxing costs, twenty-five cents.

Attendance at court, three dollars per day; when more than one session of court shall be held at the same time, requiring 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 or common pleas court, until the plaintiff, relator or appellant, during such entry, shall deposit with the said clerk the sum of one dollar as security for the clerk's fees in such action, proceeding or appeal, and out of which the 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 cities of Minneapolis and St. Paul, or the counties of Hennepin and Ramsey are 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 of said counties, 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.

1876, Spl. Laws, ch. 207, § 5.

**SEC. 5231. In Hennepin county.**—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.

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, requiring 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.

1881, Spl. Laws, ch. 408, § 2: "An act to fix the compensation and fees of certain officers in Hennepin county." Approved February 16, 1881.

#### FEES OF THE CLERK OF THE SUPREME COURT.

SEC. 5232. **Schedule.**— For drawing a writ of error, or other process issued under the seal of the court, one dollar.

Affixing the seal to any process of the court, twenty-five cents.

Filing papers, ten cents for each paper.

Reading and filing any petition relating to any proceedings in court, ten cents.

Entering the appearance or default of appellant or plaintiff or of defendant or respondent, fifteen cents.

Entering every rule or order, fifteen cents for each folio.

A certified copy of every such rule or order, and of all papers, pleadings and proceedings filed with him, ten cents for each folio.

Entering a decree or sentence, ten cents for each folio.

Entering a judgment or order, fifteen cents for every judgment debtor; ten cents for each folio more than two.

Engrossing a remittitur to be sent to a district court, ten cents for each folio.

Every certificate, twenty-five cents.

Taxing costs, fifty cents.

Entering satisfaction of record, fifteen cents.

Taking security, fifty cents.

Entering each cause in the calendar, and making copy for the bar, ten cents.

Searching records and files in his office, twenty cents for the records or files of each year.

For services required by law or the rules of the court, not herein provided for, such fees as the court direct.

Admission of attorneys, two dollars.

G. S. ch. 70, § 3 (5).

#### SHERIFFS.

SEC. 5233. **Schedule.**— For serving a summons, or any process issued by a court of law, one dollar for each defendant served.

Traveling in making any service upon any writ or summons, ten cents per mile for going and returning, to be computed from the place where the court is usually held.

Taking and approving a bond, fifty cents.

A certified copy of such bond, when requested, ten cents per folio.



Copy of every summons or other paper served by the sheriff; when such copy is made by him, ten cents per folio.

Collections on executions, when the same is collected or settled after levy at the rate of four per centum upon the first two hundred and fifty dollars, and two per centum upon the excess of said sum.

The fees herein allowed for the service of an execution, and for advertising thereon, shall be collected by virtue of such execution, in the same manner as the sum therein directed to be levied; but when there are several executions against the defendant, at the time of advertising his property, in the hands of the same sheriff, there shall be but one advertising fee charged on the whole, and the sheriff shall elect on which execution he will receive the same.

Advertising sale, one dollar, and the reasonable fees paid to any printer by such sheriff for publishing an advertisement of sale.

Posting three notices of such sale, one dollar and fifty cents.

Every certificate on the sale of real estate, two dollars, and one dollar for each copy, which together with the register's fees for filing the same, shall be collected as other fees on execution; but no sheriff shall charge for more than one certificate issued upon the same sale to the same purchaser, unless he requires it, in which case he shall pay to said sheriff one dollar for each additional certificate.

Serving a writ of restitution or possession, and putting any person *en* into the possession of premises, and removing the occupants, three dolla

Summoning a jury upon a writ of inquiry, attending such jury, and making and returning the inquisition, one dollar and fifty cents.

Summoning a special jury, struck pursuant to an order of the court, and returning the panel, fifty cents for each juror, and mileage.

Summoning a jury pursuant to any precept or summons of any officer in special proceedings, two dollars; and attending such jury, when required, one dollar.

Bringing up a person on a habeas corpus to testify or answer in any court, or with the cause of his arrest and detention; or for the purpose of having him surrendered in exoneration of his bail; or attempting to receive a prisoner so surrendered who was not committed at the time, and receiving such prisoner into his custody; or for committing a prisoner to jail; or for bringing any prisoner before any court for examination; in either case, one dollar; and for travelling, the same mileage as upon service of writs; and for attending before any officer or court in any such case, two dollars per day.

Attending court, three dollars per day.

Boarding prisoners, four dollars per week.

Serving attachment upon any ship, boat or vessel, in proceedings to enforce any lien thereon created by law, three dollars, and such additional compensation for his trouble and expense in taking possession of and preserving the same as the officer issuing the warrant shall certify to be reasonable.

Selling any ship, boat, vessel, or the tackle, apparel and furniture thereof so attached, and for advertising the same, the same fees as are allowed on executions.

Making and returning an inventory and an appraisal of property attached in any case, two dollars per day to each appraiser for each day actually employed, and one dollar for each half-day.

Summoning grand or petit jurors, fifty cents for each juror summoned, and mileage at fifteen cents per mile for the number of miles necessarily travelled in summoning the panel.

Serving subpoena, fifty cents for each witness summoned, and mileage as in service of a summons; but when two or more witnesses live in the same direction, mileage shall be charged only for the furthest.

Selling lands on foreclosure of mortgage by advertisement, and executing certificate and deed to purchaser, and for all services required on such sale, three dollars.

\* Selling land on decree by foreclosure, and executing a deed, and for all services required in making such sale, the sum of three dollars.\*

Postponing a sale, one dollar, to be paid by the party requesting the same.

Making and drafting an inventory of property levied upon, replevied or attached, twenty-five cents for each folio; and for each copy of such inventory, ten cents per folio.

For diligent search and inquiry, and returning summons, when parties cannot be found, one dollar; and returning execution when no property found, one dollar.

Receiving and paying over the money paid on redemption of property, and executing certificate therefor, one per cent. on the amount so received and paid, to be collected from the person redeeming such property.

For the necessary expenses which may be incurred to secure and safely keep all property taken by the sheriff by virtue of a warrant of attachment, execution or writ of replevin, such sum as may be allowed by the court.

For all United States revenue stamps, now or hereafter required by law to be used upon any certificate, deed, or other instrument, the cost of such stamps so used, and also such sum as may be required to be paid to the United States government as a tax on any sale made by him.

For any services not herein enumerated, which a sheriff may be required to perform, he shall receive the fees herein allowed for similar services.

G. S. ch. 70, § 10 (11), as amended 1878, ch. 8. Amendment between \*\* . 23 M. 458; 29 M. 163; 26 M. 355; 35 M. 366; 37 M. 49.

SEC. 5234. **In Ramsey and Hennepin counties.**—The fees and compensation of the sheriffs of said counties of Hennepin and Ramsey counties, shall be as follows:

For serving a summons or any process issued by a court of law, one dollar for first defendant served, and fifty cents for each additional.

Travelling in making any service upon any writ or summons, ten cents per mile for going and returning, to be computed from the place where the court is usually held.

Taking and approving a bond, fifty cents.

A certified copy of such bond, when requested, ten cents per folio.

Copy of every summons or other paper served by the sheriff, when such copy is made by him, ten cents per folio.

Collections on executions, when collected without levy, or, when levied upon personal property, when the same is collected or settled after levy, at the rate of four per centum upon the first two hundred and fifty dollars, and two per centum upon the excess of said sum.

Selling lands on execution or decree, and executing certificate or deed, and for all services required in making such sale, the sum of ten dollars.

The fees herein allowed for the service of an execution, and for advertising thereon, shall be collected by virtue of such execution in the same manner as the sum therein directed to be levied; but when there are several executions against the defendant, at the time of advertising his property, in the hands of the same sheriff, there shall be but one advertisement fee charged on the whole, and the sheriff shall elect on which execution he will receive the same.

Advertising sale, one dollar, and the reasonable fees paid to any printer by such sheriff for publishing an advertisement of sale.

Posting three notices of such sale, one dollar and fifty cents.

Every certificate on the sale of real estate, two dollars, which, together with the register's fees for recording the same, shall be collected as other fees on execution; but no sheriff shall charge for more than one certificate issued upon the same sale to the same purchaser, unless he requires it, in which case he shall pay to said sheriff one dollar for each additional certificate.

Serving a writ of restitution or possession, and putting any person entitled into the possession of premises, and removing the occupants, three dollars.

Summoning a jury upon a writ of inquiry, attending such jury, and making and returning the inquisition, one dollar and fifty cents.

Summoning a special jury, struck pursuant to an order of the court, and returning the panel, fifty cents for each juror, and mileage actually and necessarily traveled.

Bringing up a person on habeas corpus to testify or answer in any court, or with the cause of his arrest or detention, or for the purpose of having him surrendered in exoneration of his bail; or attempting to receive a prisoner so surrendered who was not committed at the time, and receiving such prisoner into his custody; or for committing a prisoner to jail; or for bringing a prisoner before any court for examination; in either case, one dollar; and for travelling, the same mileage as upon service of writs; and two dollars per day for attending court with such prisoner.

Summoning grand or petit jurors, twenty-five cents for each juror, and ten cents mileage actually and necessarily travelled in summoning said jurors.

Attending court, three dollars per day, each, for himself and two deputies, during jury trials only.

Boarding prisoners, three dollars per week.

Serving subpoena, fifty cents for each witness summoned, and mileage as in service of a summons; but when two or more witnesses live in the same direction, mileage shall be charged only for the furthest.

Selling lands on foreclosure of mortgage by advertisement, and executing certificate and deed to purchaser, and for all services required on such sale, three dollars.

Postponing a sale, one dollar, to be paid by party requesting the same.

Making and drafting an inventory of property levied upon, replevied or attached, twenty-five cents for each folio, and for each copy of such inventory, ten cents per folio.

For diligent search and inquiry, and returning summons, when parties cannot be found, one dollar, without regard to number of defendants; and returning execution when no property can be found, one dollar.

Receiving and paying over the money paid on redemption of property, and executing certificate therefor, one per cent. of the amount so received and paid, to be collected from the person redeeming such property, but not exceed in any one case fifty dollars.

For all the necessary expense which may be incurred to secure and safely keep all property taken by the sheriff, by virtue of a warrant of attachment, execution, or writ of replevin, such sum as may be allowed by the court.

The county commissioners of each of said counties shall allow the sheriff of their respective counties the sum of six hundred dollars per annum as compensation for a watchman or turnkey of the jail; but all bailiffs, deputy sheriff attendant upon court, shall be furnished by such sheriff.

The food furnished persons shall be of good substantial quantity, and of the variety needed for health, and as shall be regulated by the county commissioners.

1876, Spl. Laws, ch. 207, as amended 1878, Spl. Laws, ch. 79. 29 M. 198.

#### FEES OF REGISTERS OF DEEDS.

SEC. 5235. **Schedule.**— For entering or recording any deed or other instrument, ten 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 papers, when required, ten cents for each folio.

For translations for record and recording any deed or other paper coming from a foreign country, in any other than the English language, twenty-five cents per folio.

Every entry of a discharge of mortgage, ten cents.

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SECS. 5236-5238.]

FEES.

Filing every other paper, and making an entry thereof when necessary, ten cents.

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

Searching the record, ten cents.

For an abstract of title, twenty-five cents for every transfer, and twenty-five cents for his certificate.

G. S. ch. 70, § 24 (26), as amended 1877, ch. 120, § 4.

**SEC. 5236. In certain counties.**—That in counties where registers of deeds do not receive compensation for their services to exceed the amount of eight hundred dollars per annum, they shall be entitled to charge and receive fees as follows:

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

Every certificate, twenty-five cents.

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

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

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

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

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

Searching record, ten cents.

For an abstract of title, twenty-five cents for every transfer, and fifty cents for his certificate.

1881, ch. 120, § 2: "An act relating to the fees of clerks of district courts and registers of deeds in certain counties." Approved March 7, 1881.

**SEC. 5237. In Ramsey and Hennepin counties.**—The fees and compensation of the register of deeds of said counties shall be as follows:

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

For every certificate, fifteen cents.

For copies of any records or papers, when required, ten cents for each folio.

For recording any deed or other paper in any other than the English language, twenty cents for each folio.

Every entry of a discharge of mortgage in the margin of the record, ten cents.

Filing every instrument, and making an entry thereof when necessary, ten cents.

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

Searching the records, ten cents.

*Provided*, the compensation to the register of deeds of Ramsey county until and including December thirty-first, eighteen hundred and seventy-nine, for recording instruments or making copies of papers or records, shall be twelve and one-half cents per folio.

1876, Spl. Laws, ch. 207, § 4, as amended 1878, Spl. Laws, ch. 82, § 1.

**SEC. 5238. In Hennepin county.**—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.

1881, Spl. Laws, ch. 408, § 1.

FEEES OF CORONERS.

SEC. 5239. **In general—Inquests.**—For all services rendered by coroners, they shall receive the same fees allowed to sheriffs for like services; and for an inquest or examination of a dead body, they shall receive five dollars per day for the time actually spent, and ten cents per mile to and from the place where such inquest or examination shall take place. There shall be allowed to physicians called by the coroner to make any professional post mortem examination, six dollars per day, and ten cents per mile for actual distance travelled in going to and from the place of holding such inquest or examination.

**Additional.**—*Provided*, that whenever it shall be made to appear satisfactorily to the board of county commissioners that such post mortem examination was attended by great and unusual difficulty the said board of county commissioners may allow such further sum to the physicians who made such post mortem examination, as in the opinion of the board may be a just and fair compensation for the service rendered.

G. S. ch. 70, § 11 (13), as amended 1871, ch. 95; 1873, ch. 46; 1887, ch. 89.

FEEES OF COURT COMMISSIONERS.

SEC. 5240. **Schedule.**—Court commissioners, for services mentioned in this act, shall be allowed the following fees:

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

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

For taking bail, or approving sureties on any bond or recognizance, fifty cents.

For hearing and deciding on the return of a writ of habeas corpus, three dollars for each day necessarily occupied in the hearing of the same.

For all other services rendered by them, the same fees as allowed by law to other officers for similar services.

1868, ch. 97.

FEEES OF APPRAISERS, COMMISSIONERS AND OTHERS.

SEC. 5241. **Per diem and mileage.**—All appraisers of estates of deceased persons, appraisers of property taken on writ of attachment or replevin, persons appointed under a legal process or order for assigning dower, or making a partition of real estate, sheriff's aids in criminal cases, and all other private persons performing any other like service required by law, or in the execution of legal process, where no express provision is made for compensation therefor, shall be entitled to one dollar for each day for their services, and five cents a mile for travel in going and returning.

G. S. ch. 70, § 26 (29).

FEEES OF COMMISSIONERS TO TAKE TESTIMONY.

SEC. 5242. **Same fees as justices.**—The person to whom any commission issues to take testimony in any action shall receive the same fees as allowed to justices of the peace for the same services.

G. S. ch. 70, § 4 (6).

# MINNESOTA STATUTES 1891

SECS. 5243-5247.]

FEEES.

## FEEES OF REFEREEES.

SEC. 5243. **Per diem — Agreement.**— The fees of referees are five dollars to each, for every day spent in the business of the reference; but the parties may agree, in writing, upon any other rate of compensation, and thereupon such rate shall be allowed.

G. S. ch. 70, § 25 (23).

## FEEES OF NOTARIES PUBLIC.

SEC. 5244. **Schedule.**— For drawing and copy of protest of the non-payment of a promissory note, or bill of exchange, or of the non-acceptance of such bill, one dollar, in the cases where by law such protest is necessary.

For drawing and a copy of every other protest, fifty cents.

For drawing, copy and serving every notice of non-payment of note, or non-acceptance of a bill, fifty cents.

Drawing any affidavit, or other paper or proceeding, for which provision is not herein made, twenty cents for each folio; and copying the same, six cents for each folio.

For each oath administered, twenty-five cents.

Taking the acknowledgment of deeds and for other services authorized by law, the same fees as are allowed to other officers for similar services.

Recording each instrument required by law to be recorded by him, ten cents per folio.

G. S. ch. 70, § 14 (16).

## FEEES OF EXECUTORS AND ADMINISTRATORS.

SEC. 5245. **Per diem — Disbursements — Additional.**— For actual service two dollars per day, and their actual and necessary disbursements for the benefit of the same; but the probate court may allow executors and administrators, in cases of unusual difficulty or responsibility, such further sum as the judge deems reasonable.

G. S. ch. 70, § 6 (7), as amended 1868, ch. 66.

## FEEES OF PRINTER.

SEC. 5246. **Per folio.**— For publishing any notice, or any order, citation, summons, or any other proceeding or advertisement, required by law to be published in any newspaper, not more than seventy-five cents per folio for the first insertion, and thirty-five cents per folio for each insertion after the first; and for the purpose of computing the same, a folio is hereby declared to be equal to the space occupied by two hundred and fifty ems of solid matter of the kind of type used.

G. S. ch. 70, § 28 (31), as amended 1869, ch. 80.

## FEEES OF JURORS.

SEC. 5247. **Grand — Petit — Before coroners — Justices.**— Each grand and petit juror shall be entitled to two dollars for each day's attendance upon any district court, and ten cents for each mile traveled in going to and returning from the said court, the distance to be computed by the usual traveled route, and paid out of the county treasury of the county in which the service was rendered. 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 receive compensation.

Each juror sworn before any coroner, on any inquest taken by him, is entitled to one dollar for each day's attendance on such inquest.

Each juror sworn in any action pending in a justice court, or before any sheriff on a writ of inquiry, is entitled to fifty cents, to be paid in the first instance by the party requiring such juror.

*Provided*, that the certificate of the clerk for services rendered as such juror, in the district court, or by the coroner, shall be filed with the county auditor, who shall issue his warrant on the treasurer of his county for the amount due, which certificate shall be a proper and sufficient voucher for the issuance of said warrant: *provided, further*, that the provisions of this act in relation to the amount allowed jurors in the district court shall not apply to the county of Ramsey.

G. S. ch. 70, § 27 (30), as amended 1870, ch. 80. 34 M. 214. Acts 1868, ch. 91, gave jurors before justices and on writ of inquiry fifty cents for each half day and ten cents for each mile actually traveled.

#### FEES OF WITNESSES.

**SEC. 5248. In courts — Mileage — Experts.**— For attending in any action or proceeding pending in a court of record, one dollar for each day.

For attending in any justice's court, or before any officer, person or board authorized to take the examination of witnesses, one dollar for each day.

For traveling, at the rate of six cents per mile, in going to and returning from the place of attendance, to be estimated from the residence of such witness, if within this state, or from the boundary line of this state which such witness passed in coming, if his residence is out of the state: *provided*, that the judge of any court of record in this state, 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.

G. S. ch. 70, § 7 (8), as amended 1872, ch. 76. 14 M. 286; 16 M. 329; 21 M. 453; 36 M. 537; 41 N. W. 547.

**SEC. 5249. Same — To be paid in advance.**— No person is obliged to attend as a witness unless the fees are paid or tendered to him which are allowed by law for one day's attendance as a witness, and for traveling to and returning from the place where he is required to attend.

G. S. ch. 70, § 8 (9). 2 M. 37.

**SEC. 5250. Same — Attorney not entitled.**— No attorney or counsel in any cause shall be allowed any fee for attending as a witness in such cause.

G. S. ch. 70, § 36 (40).

**SEC. 5251. 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.

G. S. ch. 70, § 9 (10), as amended 1870, ch. 77; 1881, ch. 74 (March 7). Acts 1870 inserted mileage. 1881, ch. 74, added provision for justice courts. 34 M. 214.

**SEC. 5252. Same — To attend without prepayment.**— The attorney general, or county attorney in each county, is authorized to issue subpoenas, and compel the attendance of witnesses, on behalf of the state or county, without paying or tendering fees in advance; and, in criminal cases, the witnesses for the defendant shall also be compelled to attend without payment or tender of fees in advance; and any witness failing or neglecting to attend, after being served with a subpoena, may be proceeded against, and shall be liable, in the same manner as provided by law in other cases where fees have been paid or tendered.

G. S. ch. 70, § 41 (45).

# MINNESOTA STATUTES 1891

SECS. 5253-5257.]

FEES.

SEC. 5253. **Same—Witness from another state or country.**—When any person shall attend a court of record as a witness in behalf of the state of Minnesota, upon request of the public prosecutor, or upon a subpoena, or by virtue of a recognizance for that purpose, and it appears that such person has come from any other state or territory of the United States, or from any foreign country, or that such person is poor, the court may, by order on its minutes, direct the county treasurer of the county in which the court shall be sitting, to pay to such witness such sum of money as shall seem reasonable for expenses.

G. S. ch. 70, § 39 (43).

SEC. 5254. **Same—Payment.**—The clerk of any court at which any witness has attended on behalf of the state, in a civil action, shall give to such witness a certificate of travel and attendance, which shall entitle him to receive the amount from the treasurer of the county where the action arises.

G. S. ch. 70, § 42 (46).

SEC. 5255. **Same—Paid out of county treasury, when.**—When any prosecution, instituted in the name of this state, for breaking any law thereof, fails, or when the defendant proves insolvent or escapes, or is unable to pay the fees, when convicted, the fees shall be paid out of the county treasury, unless otherwise ordered by the court.

G. S. ch. 70, § 40 (44).

## FEES OF CONSTABLES.

SEC. 5256. **Schedule.**—Constables shall receive the following fees:

For serving a warrant or other writ, not herein provided for, on each person named therein, twenty-five cents.

For a copy of every summons delivered on request, or left at the place of residence of defendant, fifteen cents.

Serving a subpoena or summons, on each party or name therein, fifteen cents.

Serving an attachment, fifty cents.

Each copy of an attachment, fifteen cents.

Each copy of inventory of property seized on attachment, fifteen cents.

Serving summons on garnishee, fifty cents.

Copy of an affidavit or other paper not otherwise enumerated, per folio, ten cents.

Posting each notice, fifteen cents.

Attending on justice's court, when required by the justice, one dollar per day.

Serving any process or paper authorized to be served by them, for travel, ten cents per mile, both going to and returning from the place of service.

Committing to prison, fifty cents.

Summoning a jury, one dollar.

Writing a list of jurors, fifteen cents.

Attending on a jury, fifty cents.

On all sums made on execution and paid over, charged upon the defendant, five per cent.

Serving every writ of replevin, fifty cents.

Summoning and swearing appraisers, and taking appraisement, fifty cents.

Taking and approving security in any case, twenty-five cents.

G. S. ch. 70, § 12 (14). 37 M. 492.

SEC. 5257. **Same.**—When the services mentioned in the last section are performed by the sheriff or any other person, the same fee shall be allowed that constables are entitled to receive.

G. S. ch. 70, § 13 (15).



## FEES OF JUSTICES OF THE PEACE.

SEC. 5258. **Schedule of fees.**—Justices of the peace shall receive the following fees and may tax the same in all cases where applicable:

- For a summons, warrant or subpoena, twenty-five cents.
- For a venire for a jury, twenty-five cents.
- For a warrant in a criminal case, twenty-five cents.
- Taking a recognizance of bail, twenty-five cents.
- Administering an oath, fifteen cents.
- Certifying the same, when administered out of court, fifteen cents.
- For a writ of attachment, twenty-five cents.
- Entering a judgment, twenty-five cents.
- Every adjournment, fifteen cents.
- Every bond, recognizance or security, directed by law to be taken and approved by the justice, twenty-five cents.
- Swearing a jury, twenty-five cents.
- Taking an examination, deposition or confession, per folio, fifteen cents.
- For copy of proceedings, or of any paper or examination in any case, when demanded, per folio, fifteen cents.
- Entering a satisfaction of judgment, twenty-five cents.
- Issuing commission to take testimony, fifty cents.
- Entering any order, or exceptions thereto, fifteen cents.
- Entering amicable suit without process, twenty-five cents.
- For a transcript of judgment, twenty-five cents.
- Opening a judgment for rehearing, twenty-five cents.
- Filing every paper required to be filed, five cents.
- Issuing notice to take deposition, twenty-five cents.
- Taking recognizance, certifying oath or affidavit, and making return to an appeal, including travel, two dollars.
- For a search warrant, twenty-five cents.
- For every affidavit or other paper drawn by the justice, for which no other allowance is made by law, per folio, fifteen cents.
- For a commitment to jail, twenty-five cents.
- For an order to bring up prisoner, twenty-five cents.
- For an order to discharge prisoner, issued to jailor, twenty-five cents.
- Discharging a prisoner, after a hearing on motion to discharge, fifteen cents.
- For an execution, twenty-five cents.
- For every other writ not herein enumerated, twenty-five cents.
- Taxing costs, fifteen cents.
- For marrying, and making return thereof, one dollar and fifty cents, and such other sum as may be allowed by the party making the application.
- Holding an inquisition, in cases of forcible entry and detainer, in addition to other fees, one dollar.
- Taking and certifying the acknowledgment of a deed, for each grantor named therein, twenty-five cents.
- For travelling to perform any duty, when not otherwise provided for, and such travel is necessary, going and returning, per mile, ten cents.

G. S. ch. 70, § 15 (17), as amended 1867, ch. 89.

## PROVISIONS IN RELATION TO FEES IN JUSTICES' COURTS.

SEC. 5259. **Costs to prevailing party.**—In all civil actions, unless otherwise provided, the party in whose favor judgment is given shall recover costs.

G. S. ch. 70, § 16 (18). 10 M. 220; 12 M. 216; 16 M. 329.

SEC. 5260. **Fees for depositions, etc.**—No fees for copies or exemplifications of documents or papers, or for depositions, shall be allowed, unless such copies of depositions were used upon the trial.

G. S. ch. 70, § 21 (23).

# MINNESOTA STATUTES 1891

SECS. 5261-5271.]

FEES.

SEC. 5261. **Only two witnesses to same fact.**— The attendance of only two witnesses to each particular fact before a justice of the peace shall be taxed in the bill of costs:

G. S. ch. 70, § 20 (23).

SEC. 5262. **Mileage.**— The justice shall allow no fees for the travel of witnesses, unless the same is proved by the oath of some person qualified to testify in the action.

G. S. ch. 70, § 18 (20). 16 M. 329.

SEC. 5263. **Same — In serving subpoena.**— No fees shall be allowed for travel in serving a subpoena, unless the same is charged by a constable or sheriff, or is proved by the oath of the person who served the same.

G. S. ch. 70, § 19 (21).

SEC. 5264. **Disbursements.**— No allowance for disbursements, except to officers, shall be allowed, unless the items are particularly specified, and proved to the justice, and the same were, in the opinion of the justice, necessary, and reasonable in amount.

G. S. ch. 70, § 22 (24).

SEC. 5265. **Tax costs without notice.**— At the time of entering a judgment for costs, in any case, the justice may proceed to tax the costs; and no notice of such taxing need be given to the party against whom judgment is rendered.

G. S. ch. 70, § 17 (19).

SEC. 5266. **Unreasonable charges.**— The justice shall hear any evidence which may be offered to him, to prove that any charge is unreasonable, or that the service has not been rendered.

G. S. ch. 70, § 23 (25).

## GENERAL PROVISIONS.

SEC. 5267. **Post up table of fees.**— Every officer whose fees are herein fixed, shall publish and set up in his office, fair tables of his fees, according to this chapter, in some conspicuous place, for the inspection of all persons who have business in such office, upon pain of forfeiting, for each day the same shall not be put up through such officer's neglect, a sum not exceeding two dollars, which may be recovered by a civil action, in the name of any person, before any justice of the peace of the same county.

G. S. ch. 70, § 29 (33). 6 M. 235.

SEC. 5268. **No fees for services not rendered.**— No fees shall be taxed for services as having been rendered by any clerk, sheriff, or other officer, in the progress of a cause, unless such service was actually rendered, except when otherwise expressly provided.

G. S. ch. 70, § 33 (37).

SEC. 5269. **No fees for services not actually performed.**— No fee or compensation allowed by law shall be demanded or received by any officer or person, for any service, unless such service was actually rendered by him, except in the case of prospective costs hereinafter specified.

G. S. ch. 70, § 31 (35).

SEC. 5270. **Illegal fees forbidden.**— No judge, justice, sheriff, or other officer whatever, or other person to whom any fees or compensation is allowed by law for any service, shall take or receive any other greater fee or reward for such service than is allowed by the laws of this state.

G. S. ch. 70, § 30 (34). 14 M. 487; 15 M. 324.

SEC. 5271. **Same — Penalty.**— A violation of either of the last two sections is a misdemeanor; and the person guilty thereof shall be liable to the party aggrieved for treble the damages sustained by him.

G. S. ch. 70, § 32 (36).

SEC. 5272. **Prospective costs.**— In entering any judgment or decree, no prospective costs shall be taxed or included therein, except for docketing the same, unless the party demanding such judgment or decree shall require the costs of an execution or transcript of the judgment to be taxed and included therein, in which case the same shall be so taxed and included.

G. S. ch. 70, § 34 (38), as amended 1877, ch. 33, approved February 15th.

SEC. 5273. **Account for fees.**— Every officer, upon receiving any fees for any official duty or service, shall, if required by the person paying the same, make out in writing, and deliver to such person, a particular account of such fees, specifying for what they respectively accrued, and shall receipt the same; and if he refuses or neglects to do so, he shall be liable to the party paying the same for three times the amount so paid.

G. S. ch. 70, § 37 (41).

SEC. 5274. **Same fees for same services.**— When a fee is allowed to one officer, the same fees shall be allowed to other officers for the performance of the same services, when such officers are by law authorized to perform such services.

G. S. ch. 70, § 38 (42). 37 M. 492.

SEC. 5275. **Fees for copies of papers.**— The legal fees paid for certified copies of the depositions of witnesses filed in any clerk's office, and of any documents or papers recorded or filed in any public office, necessarily used on the trial of a cause, or on the assessment of damages, shall be allowed in the taxation of costs.

G. S. ch. 70, § 35 (39).

SEC. 5276. **When paid from county treasury.**— That in all cases where the bonds, oaths of office, certificates of qualification or evidences of the election and qualification for office of any county or town office now required by law to be filed or recorded with the register of deeds or clerk of the district court, the fees for filing or recording the same shall be paid from the county treasury in the same manner as other claims.

1889, ch. 181: "An act to provide for the payment of fees for filing and recording the qualifications of certain town and county officers." Approved April 24, 1889.