

CHAPTER 357

FEES

357.02 FEES OF CLERK OF DISTRICT COURT.

Amended by L. 1947 c. 95 s. 1.

L. 1903, c. 333, as amended by L. 1905, c. 171, is constitutional. *State v Rogers*, 97 M 322, 106 NW 345.

L. 1905, c. 194, is constitutional. *State ex rel v Krahmer*, 98 M 530, 106 NW 1133.

Judgment certificates, because of the soldiers and sailors civil relief act, must date back to October 15, 1930. See effect on fees charged by clerk on abstracts and judgment searches. OAG June 28, 1946 (144b-15).

357.09 FEES OF SHERIFFS.

The sheriff of Ramsey county is entitled, for services rendered in proceedings to enforce the payment of delinquent personal property taxes, to such fees, and only such fees, as are prescribed by the general statutes relating to that subject; and if no fee is there prescribed for a particular service, resort may not be had to the general fee bill fixing fees for like services. *Miesen v County of Ramsey*, 101 M 516, 112 NW 874.

It is the legislative intent that the county board shall fix the sheriff's fees for his services "in attempting the collection of personal tax warrants." Services cover not only the collection of the tax but his attempt to collect them. 1944 OAG 225, Oct. 11, 1943 (390-C-13).

Fees for service by the sheriff of notice of expiration of redemption on tax sale may be fixed by a resolution of the county board in advance of the service. OAG June 21, 1945 (390-C-13).

In counties of less than 75,000 inhabitants, and except for certain services under the tax laws, the sheriff's stated salary covers all compensation for services. OAG July 5, 1945 (390-a-18).

Where a sheriff arrests and returns a parole violator to his custodian, he may receive compensation, such service being outside his official duties. OAG Sept. 13, 1945 (328-A-1).

Fees chargeable by the sheriff where three summons were served on the same trip. OAG Dec. 17, 1945 (390-A-11).

Liability of sheriff for medical services furnished prisoners. 17 MLR 557.

357.11 FEES OF CORONERS.

When a coroner himself performs an autopsy, he is not authorized to charge for his services. OAG May 14, 1942 (103-A).

The fees of the coroner are fixed by statute, and the county board has no authority to allow an additional sum. OAG July 23, 1943 (103-A).

Under the 1945 amendment a deputy coroner is authorized to make a per diem charge for each of four cases although the hearings and inquests were consolidated. OAG March 7, 1946 (103-A).

"Recipient of public relief," as used in section 357.11, includes and applies to old age assistance recipients. OAG April 15, 1947 (521-V).

357.12 FEES OF CONSTABLES.

In tax matters the fee of the sheriff is fixed by the county board, where in the collection of a personal property tax citation the collection is made without sale or distress; but if the collection is made by distress and sale, the sheriff is entitled to the five per cent allowed pursuant to sections 277.11 and 357.12, subd. 16. OAG Oct. 11, 1943 (390-C-13).

In game and fish cases wardens' fees are taxable as "disbursements of the prosecution." OAG Jan. 11, 1944 (199-A-4).

357.13 POLICE OFFICERS; FEES IN STATE CASES.

A city police officer may be reimbursed for his expenses in transporting a prisoner, convicted of a misdemeanor for violation of state law, to the county jail, but he cannot collect constable fees. OAG Feb. 23, 1944 (91-B).

Any fees or expenses allowable to a city police officer for delivering a prisoner to the county jail must be paid by the county if the offense is against the statute and by the city if the conviction is for violation of a city ordinance. OAG Oct. 3, 1945 (91-B).

357.15 FEES IN JUSTICE COURTS; COSTS AND DISBURSEMENTS.

A police officer is not entitled to indemnity for damages sustained to his clothing incurred in the performance of duty. OAG March 3, 1947 (390-a-4).

357.18 FEES OF REGISTER OF DEEDS IN CERTAIN COUNTIES.

Amended by L. 1947 c. 458 s. 1.

Where the register is not on regular salary, he may charge twenty-five cents for filing a satisfaction of an old age assistance lien. OAG Feb. 9, 1946 (521-P-4).

357.22 FEES OF WITNESSES.

Validity of agreement to testify for compensation. 16 MLR 101.

357.24 FEES IN CRIMINAL CASES.

If a defendant is too poor to pay an officer his fees, the court may order subpoenas for the defendant's witnesses served at the expense of the state. OAG Dec. 14, 1942 (196-R).

357.25 EXPERT WITNESSES.

Right of expert witnesses to additional compensation. 14 MLR 433.

Expert witness fees allowable under the state statute are not taxable as costs in the federal courts. 16 MLR 856.

357.27 CORONER AND JUSTICE JURORS.

On appeal from the conciliation court a municipal judge in addition to the \$5.00 deposit may in his discretion require an additional deposit sufficient to insure payment by the appellant of \$1.00 for each juror. OAG June 1, 1943 (199-A-2).

357.33 FEES PUT IN COUNTY TREASURY.

Where governed by section 385.37, fees collected by the county treasurer for giving certificates as to tax search shall be paid by him into the county treasury. 1944 OAG 227, July 23, 1943 (450-E).