

MITCHELL.]

[SENATE FILE NO. 127.]

# A BILL

FOR AN ACT TO AMEND CHAPTER II, TITLE XXIII, OF THE CODE OF 1873.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That sections 3781,  
2 3782, 3783, 3784, 3785, 3786, 3787, chapter 2, title 23, of the Code of 1873, be and the same are  
3 hereby repealed and the following enacted in lieu thereof:

SEC. 2. The clerk of the district or circuit court shall be entitled to charge and receive the  
2 following fees:

- 3 For filing and docketing any petition, appeal or writ of error, one dollar.
- 4 For every attachment, fifty cents.
- 5 For every cause tried by jury, one dollar.
- 6 For every cause tried by the court, seventy-five cents.
- 7 For every equity cause, one dollar.
- 8 For each injunction or other extraordinary process or order, one dollar.
- 9 For all causes continued on application of a party by affidavit, fifty cents.
- 10 For each continuance, fifteen cents.
- 11 For entering any final judgment or decree, seventy-five cents.
- 12 For computation, seventy-five cents.
- 13 For taxing costs, fifty cents.
- 14 For issuing execution or other process after judgment or decree, fifty cents.
- 15 For filing any answer, twenty cents.
- 16 For filing any demurrer, twenty cents.
- 17 For filing any amended petition, twenty cents.
- 18 For filing any replication, twenty cents.
- 19 For filing any motion, twenty cents.
- 20 For filing and entering each mechanics' lien, the same to be taxed as part of the costs in case  
21 a suit is brought thereon, one dollar.
- 22 For certificate and seal, fifty cents.

23 For filing and docketing transcript of judgment from another county or a justice of the  
24 peace, fifty cents.

25 For entering any rule or order, twenty-five cents.

26 For issuing writ or order, not including subpoenas, fifty cents.

27 For issuing commission to take deposition, fifty cents.

28 For entering sheriff's sale of real estate, fifty cents.

29 For entering judgment by confession, one dollar.

30 For entering satisfaction of any judgment, twenty-five cents.

31 For all copies of records or papers filed in this office and making records, for each one  
32 hundred words, ten cents.

33 For approving bond and surities, fifty cents.

34 For declaration of intention by an alien to become a citizen, twenty-five cents.

35 For all services on naturalization of aliens, including oaths and certificate, fifty cents.

36 In criminal cases and in all causes in which the State or county is a party plaintiff, the same  
37 fees for same services as in suits between private parties.

38 When judgment is rendered against defendant, the fees shall be collected from such defend-  
39 ant.

40 Where the State fails, the clerk's fees shall be paid by the county.

41 For making out transcripts in criminal cases appealed to the supreme court when the defend-  
42 ant is unable to pay, for each one hundred words ten cents, to be paid by the county.

SEC. 3. The clerk of the district court shall certify under the seal of such court to all appli-  
2 cations and other papers requiring the certificate and seal of a court of record to procure pensions,  
3 bounty and back-pay for soldiers or other persons entitled thereto whenever requested by the  
4 applicant, his agent or attorney, and such clerk shall be entitled to no compensation for such  
5 service.

SEC. 4. There shall be paid to the clerk of the circuit court for services in matters of  
2 probate the following fees :

3 For filing will for probate, one dollar.

4 For hearing on proof of will, one dollar.

5 For filing petition for administration, one dollar.

6 For filing petition for guardianship, one dollar.

7 For approving bond, fifty cents.

8 For issuing letters to administrator or guardian, fifty cents.

9 For filing inventory, twenty-five cents.

10 For issuing commission to appraisers, fifty cents.

11 For filing appraisement, twenty-five cents.

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- 12 For filing annual report of administrator or guardian, fifty cents.
- 13 For filing claim against estate and registering same, ten cents.
- 14 For allowing claim and entering same, ten cents.
- 15 For every affidavit, twenty-five cents.
- 16 For certificate and seal, fifty cents.
- 17 For issuing marriage license, one dollar.
- 18 For recording license and return, twenty-five cents.
- 19 For filing petition for sale of real estate, one dollar.
- 20 For hearing on same, one dollar.
- 21 For filing report of sale and petition to approve, fifty cents.
- 22 For filing petition for citation, twenty-five cents.
- 23 For issuing citation, twenty-five cents.
- 24 For filing any motion, twenty-five cents.
- 25 For filing petition for admeasurement of dower, one dollar.
- 26 For hearing on same, one dollar.
- 27 For issuing commission to referees, twenty-five cents.
- 28 For filing report of referees, twenty-five cents.
- 29 For filing final report of administrator or guardian and petition for discharge, one dollar.
- 30 For hearing on same, one dollar.
- 31 For all records, per one hundred words, ten cents.
- 32 For examining records at request of party interested, per hour, fifty cents.
- 33 For every order of court, twenty-five cents.

SEC. 5. In case the amount of fees so received by such clerk is deemed an inadequate compensation, the board of supervisors may allow such additional compensation as they deem proper.

SEC. 6. The clerk of the district court, as such, and as clerk of the circuit court, shall report to the board of supervisors, at the first regular session in each year, a full and complete statement of the amount of fees received by him during the year preceding such report, which shall be verified by affidavit.

SEC. 7. The clerk of the district and circuit courts shall pay into the county treasury all money received for witness fees remaining unclaimed in his hands for six months after the receipt of the same, and shall therewith deliver to the treasurer a written statement, giving the title of the cause and the style of the court in which the same was pending, with the names of the witnesses and the amount each one is entitled to receive, and the treasurer shall keep an account of the money thus received, separate from other funds, and shall pay the same to the parties entitled thereto, taking proper receipt therefor.

SEC. 8. This act shall take effect from and after its publication in