Chapter 21

1959 REPLACEMENT PART

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SUPREME COURT FEES

21.010 Filing and appearance fees on appeal. The appellant in a civil case, upon filing his transcript in the Supreme Court, shall pay to the clerk thereof, in advance, the sum of $20, which shall be in lieu of all fees heretofore required by law to be paid by him, except trial fees. The respondent in such case, upon entering his appearance or filing his first brief in the Supreme Court, shall pay to such clerk, in advance, the sum of $15, in lieu of all fees heretofore required by law. The party entitled to costs and disbursements on such appeal shall recover from his opponent the amount so paid.

21.020 Clerk's fees for copies of papers, and for affixing seal. For making and certifying to a copy of any opinion, pleading, judgment, decree, paper or record of his office for private parties, and not in the course of the regular court proceedings, the Clerk of the Supreme Court shall collect the sum of 15 cents for each folio, and for copies not certified he shall collect the sum of 10 cents for each folio. For affixing the seal of the court where not in the course of the regular court proceedings he shall collect one dollar.

21.030 Trial fee on appeal. The trial fee in the Supreme Court, upon each appeal heard and determined, is $6.

21.040 Filing fees and trial fee in cases of original jurisdiction. In cases of original jurisdiction in the Supreme Court, the plaintiff or moving party shall pay $15 and the defendant or respondent shall pay $10 on the filing of their first paper. Before any hearing the plaintiff or moving party shall pay $6 as trial fee.

21.050 Disposition of fees. All fees and other moneys received or collected by the Clerk of the Supreme Court by virtue of his office shall be paid over to the State Treasurer as provided in ORS 8.130.

21.060 to 21.100 [Reserved for expansion]

CIRCUIT COURT FEES GENERALLY (OTHER THAN PROBATE MATTERS)

21.110 Filing and appearance fees. At the time of filing, in the circuit court of any county any suit, action or proceeding for the enforcement of private rights, including appeals, but not including any matters in the probate department of those courts having probate jurisdiction, and not including proceedings for adoption or change of name, the county clerk as clerk of the circuit court shall exact from the plaintiff, appellant or moving party the sum of $8 as a flat and uniform filing fee. The clerk shall also, at the time of filing any appearance in any such suit, action or proceeding upon the part of any defendant or respondent appearing separately, or for the defendants or respondents appearing jointly, exact from such party or parties the sum of $4 as a flat and uniform filing fee. No paper or pleading shall be deemed filed unless the required fee is paid. No part of any such filing fee shall be refunded to any party. The uniform fee shall cover all services to be performed by the court or clerk in any such suit, action or proceeding, except where additional fees are specially authorized by law. [Amended by 1955 c.458 §1; 1959 c.563 §2]

21.115 Clerk's fees, generally. In the circuit court, other than in the probate department of the court, there shall be charged and collected by the county clerk, as clerk of the circuit court, for the benefit of the county, the following fees, and no more, for the following purposes and services:

(1) Certified copies attached to and made a part of any writ or process, for each folio, 15 cents, except when the party requesting supplies the copy, in which case there shall be a charge of 10 cents for each folio.

(2) Making copies of anything on file or of record, otherwise than by means of photography, microphotography, photocopying or filming, 15 cents for each folio, except that when copies are supplied by parties or others, the charge shall be 10 cents a folio.

(3) Each official certificate, 50 cents.

(4) Taking depositions, for each folio, 20 cents.

(5) Making transcription from judgment docket, 50 cents.

(6) Filing and docketing transcript of judgment, $1. [Formerly 21.210]

CIRCUIT COURT FEES, IN COUNTIES UNDER 200,000 POPULATION (OTHER THAN PROBATE MATTERS)

21.120 Judges' salary fees. There shall be collected by the county clerk of each county of not more than 200,000 population,

at the time of filing of any suit, action or proceeding in the circuit court, other than proceedings in the probate department of those courts having probate jurisdiction, a fee of $6, in addition to all other fees; and from each defendant appearing separately in any such suit, action or proceeding, a fee of $3 in addition to all other fees. On the first working day of each month, the clerk shall forward all money so collected during the preceding month to the State Treasurer, with a detailed statement showing the purposes for which the fees were paid. The money shall be placed to the credit of the General Fund of the state, and is appropriated as provided in ORS 3.060. [Amended by 1959 c.453 §1]

21.130 District attorney fee in divorce suits and annulment proceedings. There shall be collected by the county clerk of each county of not more than 200,000 population, at the time of the filing in the circuit court of each divorce suit or proceeding for having a marriage declared void, in addition to all other fees collected, a fee of $10 to cover the appearance of the district attorney in the suit or proceeding. On the first working day of each month, the clerk shall forward all money so collected during the preceding month to the State Treasurer, with a detailed statement showing the purposes for which the fees were paid. The money shall be placed to the credit of the General Fund of the state, and is appropriated as provided in ORS 8.820. [Amended by 1959 c.678 §1]

21.140 Law library fees. (1) In all counties containing less than 200,000 inhabitants, and meeting the requirements of subsection (2) of this section, it shall be the duty of the county clerk, when authorized and directed by the county court as provided in ORS 9.840, to collect in each civil suit, action or proceeding filed in the circuit court, other than proceedings in the probate department of those courts having probate jurisdiction, a law library fee equivalent to 20 per cent of the filing fee provided by law. This fee shall be collected in the same manner as other fees are collected in the suit, action or proceeding, and is in addition to the other fees provided by law.

(2) The fee shall not be collected unless the county owns and maintains, or hereafter may acquire, own or maintain under the provisions of ORS 9.840 and 9.850, a law library at the county seat, available at all reasonable times to the use of litigants, and permitted to be used by all attorneys at law duly admitted to practice in this state, without additional fees to such litigants or attorneys.

21.150 Trial fees. The trial fee in the circuit court in counties of not more than 200,000 population, other than in proceedings in the probate department of those courts having probate jurisdiction, is $2 for every trial, whether by jury or by the court.

21.160 to 21.200 [Reserved for expansion]

CIRCUIT COURT FEES, IN COUNTIES OVER 200,000 POPULATION (OTHER THAN PROBATE MATTERS)

21.210 [Amended by 1955 c.458 §2; renumbered 21.115]

21.220 Clerk's fees where photographic or similar process used. (1) Where the photographic, microphotographic, photocopying or filming method of recording is used, there shall be charged and collected by the clerk in the circuit court, other than in the probate department of the court, in every county having a population of more than 200,000, for the benefit of the county, the following fees, and no more, for the following purposes and services:

(a) Recording any instrument required or permitted by law to be recorded, for each page, 75 cents, and for each rider, 50 cents.

(b) Supplying to private parties copies of records or files, for each page, 50 cents, and for each rider, 50 cents.

(c) Filing and making a certified copy of declaration to become a citizen of the United States, for each page, 50 cents, and for each rider, 50 cents.

(d) Each official certificate, 50 cents.

(2) For the purpose of this section, "page" means one side of a sheet, other than a rider, of an instrument, 13½ inches, or less, long and 8½ inches, or less, wide; and "rider" means one side of any sheet affixed to a page, and not more than 8½ inches by 9 inches in dimensions.

21.230 Clerk's fees for services for which no specific fee is prescribed. For any services not enumerated in ORS 21.115 or 21.220 which the county clerk as clerk of the circuit court in any county having a

population of more than 200,000 may be required by law to perform other than in the probate department of the court, such fees may be charged as may favorably compare with the fees established in ORS 21.115 and 21.220 for similar services and as may be established by order or rule of court.

21.240 Judges' salary fees. In any suit, action or proceeding in the circuit court of a county having 200,000 population or more, other than proceedings in the probate department and other than proceedings for adoption or change of name, the county clerk shall collect the same fees as are prescribed in ORS 21.120. The fees shall be collected, reported, forwarded, credited and appropriated the same as provided in ORS 21.120. [Amended by 1959 c.563 §3]

21.250 District attorney fee in divorce suits and annulment proceedings. In each divorce suit or proceeding for having a marriage declared void, in the circuit court of a county having 200,000 population or more, the county clerk shall collect the same fee as prescribed in ORS 21.130. The fee shall be collected, reported, forwarded, credited and appropriated the same as provided in ORS 21.130.

21.260 Law library fees. In all counties containing 200,000 inhabitants or more, the county clerk shall collect in each civil suit, action or proceeding filed in the circuit court, other than proceedings in the probate department and other than proceedings for adoption or change of name, in the manner in which other fees are collected therein, as law library fees, the sum of $2 from the plaintiff or other moving party at the time of the filing of the first paper therein; and the sum of $1 from each defendant, respondent or other party who shall appear separately therein, or from such defendants, respondents or other parties as shall appear jointly therein, to be collected at the time of the filing of the first paper by any such defendants, respondents or other parties. [Amended by 1959 c.563 §4]

21.270 Trial fees, including jury trial fee. (1) In any action, suit or proceeding for the enforcement of private rights, in the circuit court of a county having more than 200,000 inhabitants, other than proceedings in the probate department, the trial fees are as follows:

(a) The clerk shall exact from the plaintiff, appellant or moving party, at the time the action, suit or proceeding comes on for trial on its merits without a jury, the sum of $6, trial fee, except in divorce cases where default has been made, when $3 shall be exacted.

(b) A jury trial fee of $12 shall be collected for each trial by jury. The clerk shall collect the jury trial fee from the plaintiff or appellant at the time the action, suit or proceeding comes on for trial by a jury. If the plaintiff or appellant waives a trial by jury, and the defendant or respondent desires a trial by jury, the clerk shall collect the jury trial fee from the defendant or respondent. Cases wherein the jury trial fee has not been so paid shall be tried by the court without a jury, unless the court otherwise orders. If a case in which the jury trial fee has not been paid is tried by a jury by order of court, the clerk shall tax against the losing party as costs, to be collected for the benefit of the county, the sum of $12. The trial fee of $6 as provided in paragraph (a) of this subsection shall not be exacted in any case wherein a jury trial fee has been paid by either party and not refunded. The jury trial fee shall not be exacted in criminal actions.

(2) The trial fees provided for in this section shall be deemed disbursements, and may be taxed and collected as other costs and disbursements by the prevailing party.

21.280 Fees in adoption and change of name proceedings. At the time of filing in the circuit courts in all counties having a population of more than 200,000, there shall be payable to the office of the county clerk an original appearance fee of $5 in adoption proceedings and an original appearance fee of $5 in change of name proceedings. The judges' salary fees as prescribed in ORS 21.240 and the law library fees as prescribed in ORS 21.260 do not apply to adoption or change of name proceedings. [1959 c.563 §1]

21.290 to 21.300 [Reserved for expansion]

PROBATE AND COUNTY COURT FEES GENERALLY

21.310 Probate filing fees and trial fee. (1) In the county courts or in circuit courts having probate jurisdiction, in all counties the county clerk shall charge and collect the following fees before the filing of the initial papers in any proceeding in probate, including petitions for the probate of wills,

for letters of administration, and will contest proceedings:

Where the amount of the estate is:

1. Not more than $500—a fee of $2.50.
2. More than $500 and not more than $1,000—a fee of $5.
3. More than $1,000 and not more than $2,000—a fee of $7.50.
4. More than $2,000 and not more than $4,000—a fee of $10.
5. More than $4,000 and not more than $8,000—a fee of $15.
6. More than $8,000 and not more than $16,000—a fee of $20.
7. More than $16,000 and not more than $25,000—a fee of $25.
8. More than $25,000—a fee of $30.

(2) At the time of filing any answer, demurrer, motion or objection in probate proceedings, the party filing such demurrer, answer, motion or objection shall be required to pay a fee of $3, and the papers shall not be deemed filed unless such payment is made.

(3) The county clerk also shall exact from the party having the affirmative of the issue, at the time such a proceeding comes on for trial or hearing upon the issues of fact or law involved therein, an additional sum of $2 as a trial fee, which shall be paid before any such trial or hearing shall be had therein. [Amended by 1955 c.458 §3]

21.313 Probate contest filing fees. There shall be collected by the county clerk of each county, at the time of filing of the initial papers in any will contest proceedings in the probate department of those circuit courts having probate jurisdiction, a fee of $6, in addition to all other fees; and from each defendant appearing separately in any such will contest proceeding, a fee of $3 in addition to all other fees. On the first working day of each month, the clerk shall forward all money so collected during the preceding month to the State Treasurer, with a detailed statement showing the purposes for which the fees were paid. The money shall be placed to the credit of the General Fund of the state, and is appropriated as provided in ORS 3.060. [1959 c.452 §2]

21.315 Clerk's fees in probate matters. (1) It shall be the duty of the county clerk to collect for services in the probate department of the circuit court the following fees:

(a) For making certified copies of any file or record other than by means of photography, microphotography, photocopying or filming, 15 cents for each folio, except, when copies are supplied by person requesting them, the charge shall be 10 cents for each folio.

(b) For each official certificate, 50 cents.

(c) For taking depositions, 20 cents for each folio.

(2) For any service not enumerated in this section, which the county clerk may be required by law to perform in the probate department of the circuit court, such fees shall be charged as may favorably compare with the fees established in this section for similar services, and as may be established by order or rule of court. [Formerly 21.360]

PROBATE AND COUNTY COURT FEES IN COUNTIES UNDER 200,000 POPULATION

21.320 Appearance fees in adoption or change of name proceedings. In the county courts or in the circuit courts having probate jurisdiction, in all counties having a population of less than 200,000, there shall be payable to the office of the county clerk an original appearance fee of $5 in adoption proceedings, and an original appearance fee of $5 in change of name proceedings.

21.330 Law library fees. In all counties containing less than 200,000 inhabitants, and meeting the requirements of subsection (2) of ORS 21.140, it shall be the duty of the county clerk, when authorized by the county court as provided in ORS 9.840, to collect in each proceeding filed in the county court, or in the probate department of a circuit court having probate jurisdiction, a law library fee equivalent to 20 percent of the filing fee provided by law. This fee shall be collected in the same manner as other fees are collected in the proceeding, and is in addition to the other fees provided by law.

21.340 County court trial fees, other than probate. The trial fee in the county court in counties of not more than 200,000 inhabitants, in cases not provided for in ORS 21.310, is $2 for every final trial or hearing upon the issues therein, or on demurrer or motion.

21.350 [Reserved for expansion]

PROBATE FEES, IN COUNTIES OVER 200,000 POPULATION

21.360 [Amended by 1955 c.458 §4; renumbered 21.315]

21.370 Law library fees. In all counties containing 200,000 inhabitants or more, the county clerk shall collect as law library fees, in each proceeding in the probate department of the circuit court, the same fees as are prescribed in ORS 21.260. The fees shall be collected in the same manner and at the same time as provided in ORS 21.260.

21.380 Trial fees. Trial fees in the probate department of the circuit court in counties containing more than 200,000 inhabitants shall be one-half of the trial fees established for other departments of the circuit court by ORS 21.270, and shall be collected in the same manner and at the same time as provided in ORS 21.270.

21.390 and 21.400 [Reserved for expansion]

SHERIFF'S FEES

21.410 Sheriff's fees and mileage allowance for services in civil actions, suits and proceedings. The sheriff of every county shall, in all civil suits, actions and proceedings, collect in advance the following fees:

(1) For serving summons directed to a single defendant, in addition to mileage, $2.

(2) For serving summons directed to two or more defendants, in addition to mileage, $2 for the first defendant, and for each additional defendant, 75 cents.

(3) For return of summons "not found," in addition to mileage, 50 cents for the first defendant, and 25 cents for each additional defendant.

(4) For serving subpena, notice, citation, order or other paper not herein described, for the first-named witness or party, $1.50, and for each additional witness or party served, 50 cents.

(5) For executing any provisional remedy, $2.

(6) For making an inquest by jury for the trial of rights of property, $3.

(7) For taking and approving any undertaking or bond, 50 cents.

(8) For making a copy of any process, order, notice or other instrument in writing, when necessary to complete the service thereof, for each folio, 50 cents; but no charge shall be made for copy of complaint or other paper not actually made by the sheriff.

(9) For serving any writ for the enforcement of a judgment or decree other than execution, $2.

(10) For serving or collecting an execution or decree other than for the sale of land, on the amount realized as shown by the sheriff's return, one percent on the first $1,000 and one-tenth of one percent on the excess over $1,000.

(11) For selling land on execution or decree, $5.

(12) For making a conveyance of real property, sold on any process, to be paid by or for the grantee, $2.

(13) For making a certificate of sale of personal property when required or demanded, to be paid by or for the purchaser, $1.

(14) For making a certificate of sale of real property, $1.

(15) For returning an execution when no property can be found, 50 cents.

(16) For certifying and serving writ of attachment or execution, $1 for each service, and if by garnishment, in addition, for each garnishee served, 50 cents.

(17) For making any certificate not hereinbefore described or referred to, except returns upon the writs and processes in this section enumerated, 75 cents.

(18) For actual and necessary travel in the serving of any summons, process, subpena, or other paper required to be served, mileage at the rate of 10 cents a mile going and returning, and no more, but when two or more parties or witnesses in the same suit, action or proceeding are found in the same general direction from the county seat, mileage shall be charged only for the one living farthest from the county seat, and no charge shall be made for constructive mileage in any case.

(19) For the care of property in his custody under an attachment, execution, proceeding for claim and delivery or other civil proceeding, such sum as may be reasonable and necessary to secure each keeper or custodian necessarily employed in such care.

(20) For seizure of personal property under writ of attachment, writ of execution, claim and delivery, lien notice, chattel mortgage, or other process or proceeding, $4 for each one-half day or fraction thereof necessarily expended therefor.

(21) For removal of personal property upon an eviction, $4 for each one-half day or fraction thereof necessarily expended therefor.

(22) For any service not hereinbefore specified which the sheriff may be by law required to perform for parties in civil suits, actions or proceedings, such fee as may favorably compare with the fees hereinbefore fixed and established for similar services, or as may be fixed and established by order or rule of a court of competent jurisdiction. [Amended by 1959 c.620 §1]

21.420 Itemized statement of fees. The return on any summons, process, subpena or other paper served by a sheriff shall be accompanied by a subjoined itemized statement of the charges made for the service thereof, including the mileage actually and necessarily traveled in making the service.

21.430 to 21.450 [Reserved for expansion]

REPORTER'S FEES

21.460 Reporter's per diem. Whenever, in a cause in the circuit court, either party, or the parties jointly, shall request the taking of notes of the proceedings, as provided in ORS 8.340, or the judge upon his own motion orders the taking of such notes, there shall be charged to the litigants, as a reporter's fee, a per diem of $10 for each day the reporter is actually in attendance for more than a half day. In cases occupying a half day or less, there shall be charged $5 per diem. The clerk of the court shall collect the reporter's fees from the party requesting the services of the reporter, and all sums so collected shall be turned into the treasury of the county. The reporter's fees shall be taxable as costs in the case.

21.470 Transcript fees. The fees of the official reporter of the circuit court for preparing transcripts on appeal as provided in ORS 8.350 shall be not more than 75 cents per page for the original copy, such page to consist of 25 lines with margins of one and one-half inches on the left-hand side and one-half inch on the right-hand side, not more than 25 cents per page for one copy of the original, and not more than 20 cents per page for each additional copy, and shall be paid forthwith by the parties or party for whose benefit ordered, and when paid shall be taxed as other costs in the case; provided, that when the defendant in any criminal cause who has perfected an appeal from judgment against him presents to the judge satisfactory proof, by affidavit or otherwise, that he is unable to pay for such transcript, the judge, if in his opinion justice will be thereby promoted, may order the transcript to be made; and in all cases where transcript shall be ordered by the court, where not asked by the parties, the same shall be paid for out of the county treasury in the same manner as provided in ORS 8.390 for the payment of per diem compensation. [Amended 1959 c.446 §1]

21.480 to 21.500 [Reserved for expansion]

REFEREES' FEES

21.510 Referees' fees. The fees of referees shall be fixed by the court, but the parties may agree in writing upon any other rate of compensation and thereupon such rate shall be allowed.

21.520 to 21.550 [Reserved for expansion]

LIABILITY FOR AND PAYMENT OF FEES

21.560 Exemption of governmental units and public corporations, and their officers, from filing and appearance fees, in counties of not more than 200,000 population. Neither the State of Oregon, nor any county, school district, municipal corporation or other public corporation therein, nor any officer of any such public political division or corporation, appearing in his representative capacity, shall be required to pay the fees prescribed in ORS 21.110.

21.570 Exemption of state and counties from trial fees in Supreme Court, and in circuit and county courts in counties of not more than 200,000 population. When the state or any county therein is a party to a judicial proceeding, it need not pay the trial fee prescribed in ORS 21.030, 21.150, 21.310 or 21.340, but if it is entitled to recover costs therein, the fee shall be allowed and taxed as a disbursement, and collected off the adverse party as in ordinary cases.

21.580 Exemption of state, county or city from certain clerk's fees and trial fees. Except as provided in ORS 182.040, 182.050

and 182.060, none of the fees fixed by ORS 21.115, 21.220, 21.230, 21.270, 21.315 or 21.380 shall be collected from the state, or from the county or city in which the court is located.

21.590 Necessity for payment of trial and district attorney fees. Parties to judicial proceedings are required to contribute towards the expense of maintaining courts of justice, or a particular action, suit, or proceeding therein, by the payment of the trial and district attorney fees provided for in this chapter.

21.600 When and by whom trial fee to be paid, in Supreme Court, and in circuit and county courts in counties of not more than 200,000 population; exemption of indigents; taxation as disbursement. (1) The trial fee prescribed in ORS 21.030, 21.150, 21.310 or 21.340 is to be paid by the plaintiff, appellant or moving party, before he is entitled to or can claim the trial or other proceeding upon which the fee is imposed. If the party paying such fee prevails in the action, suit or proceeding, so as to be entitled to recover costs therein, the fee shall be allowed and taxed as a disbursement, and collected off the adverse party.

(2) If at any time it appears to the satisfaction of the court or judge thereof, from the affidavit of the party or other evidence, that he cannot pay the trial fee, the court or judge may direct that he be allowed to proceed without the prepayment thereof; but if such party prevails so as to be entitled to collect costs, the fee shall be taxed as a disbursement, and when collected off the adverse party shall be retained by the clerk as if paid in advance.

21.610 Advance payment of clerk's and trial fees, in circuit courts of counties having more than 200,000 population. In counties having more than 200,000 population, the county clerk shall collect in advance, for the benefit of the county, the fees and charges prescribed in ORS 21.115, 21.220, 21.230, 21.270, 21.315 and 21.380.

21.620 Charging of fees in circuit court in counties having more than 200,000 population; record of charges and payments. In the circuit court in counties having a population of more than 200,000, other than in the probate department of the court, all fees pertaining to the trial and those for entering judgment or decree, including making and filing the judgment roll, shall be charged to, and paid by the plaintiff or appellant in the first instance. The clerk shall enter in the register described in ORS 7.020, in addition to the entries required by that section, under the date of service, the charge for each service rendered and performed, for which a fee is prescribed in ORS 21.115, 21.220 or 21.230, and also all sums of money paid or advanced by each party on account of fees. The debits and credits of each party shall be kept, as nearly as practicable, separate from each other, and the register shall be ruled accordingly.

21.630 [Repealed by 1955 c.458 §5]

21.640 [Repealed by 1955 c.458 §5]

21.650 [Repealed by 1955 c.458 §5]

21.660 Advance payment of, or security for, fees for services in court proceedings. Except as provided in ORS 20.140, and except the fees for which advance payment or a deposit is otherwise required by law, every officer, witness, or other person required to do or perform any act or service for any party to any action, suit or proceeding in a court of justice in this state shall be entitled to demand and receive from such party the compensation which the law allows therefor in advance; but a party may at his option pay the fees of the officers of the court in advance, or give such officers an undertaking with sufficient sureties therefor. The fees secured to the officers, or any of them, by any party to the judgment or decree, may be collected by an execution against the property of such party and that of his sureties in the undertaking therefor. Such officers' execution may issue in the name of the clerk as plaintiff in the writ, and for the benefit of all officers to whom fees are so due and secured, whenever an execution might issue to enforce the judgment or decree at the instance of the prevailing party.

21.670 Duty of officer receiving fees to give receipted cost bill. An officer receiving fees for any official services must, upon demand, give the party paying the same a receipted bill thereof, specifying the items of such fees.

21.680 to 21.700 [Reserved for expansion]

MISCELLANEOUS PROVISIONS AS TO FEES

21.710 "Folio" defined. As used in this chapter, "folio" means 100 words, counting

two figures as one word. Any portion of a folio, when the whole paper contains less than a folio, or when such portion is an excess over the last folio, shall be deemed a folio.

21.720 Fee for service when no compensation is provided. When any service shall be performed by an officer of or person appointed by the circuit or Supreme Court, for which no compensation is provided by law, the officer or person shall be entitled to such fee or compensation as the court may direct and order. When under like circumstances such service shall be performed otherwise than in the circuit or Supreme Court, the compensation shall be prescribed and ordered by the county court of the proper county.

21.730 Per diem and mileage for private persons performing services by law or in execution of process. All private persons performing services required by law or in the execution of legal process, when no express provision is made for their compensation, shall be entitled to three dollars for each day so employed, and mileage for any necessary travel, going and returning, at the rate of eight cents a mile, and no more.

21.740 to 21.980 [Reserved for expansion]

PENALTIES

21.990 Penalties. Any officer refusing or neglecting to comply with ORS 21.670 shall be liable to the party demanding the receipt for a penalty of $25.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on November 1, 1959.

Sam R. Haley
Legislative Counsel