

# MAINE STATE LEGISLATURE

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REPORT

OF THE

COMMISSIONERS

APPOINTED TO

REVISE THE PUBLIC LAWS

OF THE

STATE OF MAINE.

TITLE X.

AUGUSTA:

STEVENÉ & BLAINE, PRINTERS TO THE STATE.

1856.



# TITLE TENTH.

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## DUTIES PAYABLE BY CERTAIN PUBLIC OFFICERS; THEIR COMPENSATION; REGULATION OF FEES, AND COSTS IN CERTAIN CASES.

*Chap. 114.* Duties payable by public officers.

115. Salaries of public officers; and expenses of the members of the State government.

116. The regulation of fees and costs in certain cases.

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### Chapter 114.

#### DUTIES PAYABLE BY PUBLIC OFFICERS.

*Sect. 1.* Duties payable to state or county treasurer, on commissions.

2. How county treasurers shall account for them.

3. Duties payable by attorneys at law to county treasurers.

4. Duty payable by inspectors of fish to treasurers of towns.

SECTION 1. No person appointed to either of the offices 2 specified in this section, shall receive his commission until he has 3 paid to the treasurer of state, or of his county, the sum hereby 4 designated to be paid for such commission.

Sheriffs of the counties of York, Cumberland, Lincoln, Ken- 6 nebec, and Penobscot, fifty dollars each; and of all other 7 counties, twenty-five dollars each.

Clerks of the judicial courts for the counties of York, Cum- 9 berland, Lincoln, Kennebec, and Penobscot, fifty dollars each; 10 and for other counties, twenty-five dollars each.

County attorneys, five dollars each.

Judges of probate, seven dollars each.

Registers of probate, ten dollars each.

Inspectors general, except inspectors of hops, of butter, of lard, 15 and of pot and pearl ashes, twenty dollars each.

Justices of the peace, five dollars each.

R. S., c. 149, § 1. 1854, c. 94, § 1.

SECT. 2. Every county treasurer, when he renders his  
 2 accounts to the state, shall specify all sums received by him  
 3 for duties under the foregoing section, together with the name  
 4 of the individual, and office for which the same was paid.

R. S., c. 149, § 2.

SECT. 3. No person shall be admitted as an attorney in the  
 2 supreme judicial court, until he has paid to the treasurer of the  
 3 county, where he is admitted, the sum of twenty dollars, and  
 4 shall produce the receipt therefor to the court.

R. S., c. 149, § 3.

SECT. 4. Every inspector of fish shall, on being qualified for  
 2 such office, pay to the treasurer of the town in which he resides,  
 3 five dollars; and every such treasurer shall pay over all moneys,  
 4 so received, to the treasurer of state, on or before the twentieth  
 5 day of January, annually.

R. S., c. 149, § 4.

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## Chapter 115.

### SALARIES OF PUBLIC OFFICERS; AND EXPENSES OF MEMBERS OF THE STATE GOVERNMENT.

- Sect.* 1. Salaries payable at the state treasury. Also, at the county treasury.  
 2. Other emoluments pertaining to certain of the same offices.  
 3. Amount of fees, which may be retained by clerks of the judicial courts.  
 4. Compensation of councillors, senators and representatives, secretary of the  
 senate, and clerk of the house of representatives.  
 5. Inability or neglect of the register of probate to perform his duties, to be  
 certified by the judge to the county treasurer.  
 6. Register pro tem to receive a proportional part of the salary.  
 7. County to provide books for records and blanks.

#### *Salaries of public officers.*

SECT. 1. The following public officers shall be entitled to  
 2 receive salaries, in quarterly payments, on the first day of  
 3 January, April, July and October, of each year, at the following  
 4 annual rates, from the treasury of the state:

5 Governor, fifteen hundred dollars.

6 Treasurer of the state, nine hundred dollars.

7 Secretary of state, nine hundred dollars. R. S., c. 150 § 1.

8 Adjutant general, two hundred dollars. 1848, c. 84, § 23.

- 9 Land agent, one thousand dollars.
- 10 Warden of the state prison, seven hundred dollars.
- 11 Judges of the supreme judicial court, each eighteen hundred  
12 dollars.
- 13 Attorney general, one thousand dollars. R. S., c. 150, § 1.
- 14 Reporter of the decisions of the supreme judicial court, one  
15 thousand dollars. 1842, c. 24, § 4. 1850, c. 173, § 4.
- 16 County attorneys in the counties of, York, four hundred dollars.  
R. S., c. 150, § 1. 1853, c. 36, § 1.
- 18 Cumberland, five hundred dollars.  
R. S., c. 150, § 1. 1853, c. 36, § 1.
- 20 Lincoln, four hundred dollars.  
R. S., c. 150, § 1. 1853, c. 36, § 1.
- 22 Oxford, three hundred dollars.  
R. S., c. 150, § 1. 1850, c. 164, § 1. 1853, c. 36, § 1.
- 24 Androscoggin, three hundred dollars.  
1854, c. 60, § 13. 1855, c. 136, § 1.
- 26 Sagadahoc, two hundred dollars. 1854, c. 70, § 13.
- 27 Kennebec, four hundred dollars.  
R. S., c. 150, § 1. 1850, c. 158. 1853, c. 36, § 1.
- 29 Somerset, two hundred and fifty dollars.  
R. S., c. 150, § 1. 1853, c. 36, § 1.
- 31 Penobscot, five hundred dollars. R. S., c. 150, § 1.  
1850, c. 170. 1853, c. 36. 1854, c. 83, § 1.
- 33 Hancock, two hundred and twenty-five dollars.  
R. S., c. 150, § 1. 1850, c. 179. 1853, c. 36, § 1.
- 35 Washington, three hundred dollars.  
R. S., c. 150, § 1. 1853, c. 36, § 1.
- 37 Waldo, three hundred dollars.  
R. S., c. 150, § 1. 1853, c. 36, § 1.
- 39 Franklin, one hundred and seventy-five dollars.  
R. S., c. 150, § 1. 1853, c. 36, § 1.
- 41 Piscataquis, one hundred and twenty-five dollars.  
R. S., c. 150, § 1. 1853, c. 36, § 1.
- 43 Aroostook, one hundred dollars.  
R. S., c. 150, § 1. 1853, c. 36, § 1.
- 45 And from the treasury of their counties, judges of probate in  
of the counties of

- 47 York, four hundred dollars.  
R. S., c. 150, § 1. 1848, c. 42, § 1.
- 49 Cumberland, seven hundred dollars.  
R. S., c. 150, § 1. 1847, c. 6. 1852, c. 223, § 1.
- 51 Lincoln, five hundred dollars.  
R. S., c. 150, § 1. 1851, c. 209, § 1.
- 53 Kennebec, four hundred and fifty dollars.  
R. S., c. 150, § 1. 1849, c. 126, § 1.
- 55 Hancock, three hundred and seventy-five dollars.  
R. S., c. 150, § 1. 1843, c. 28. 1854, c. 69, § 1.
- 57 Sagadahoc, two hundred dollars. 1854, c. 70, § 13.
- 58 Androscoggin, two hundred dollars. 1854, c. 60, § 13.
- 59 Oxford, two hundred and seventy-five dollars.  
R. S., c. 150, § 1. 1850, c. 168. 1855, c. 155, § 1.
- 61 Somerset, two hundred and fifty dollars.  
R. S., c. 150, § 1. 1848, c. 74. 1850, c. 175, § 1.
- 63 Washington, four hundred dollars.  
R. S., c. 150, § 1. 1847, c. 10. 1852, c. 222, § 1.
- 65 Penobscot, three hundred and fifty dollars.  
R. S., c. 150, § 1. 1850, c. 169, § 1.
- 67 Waldo, two hundred dollars.  
R. S., c. 150, § 1. 1843, c. 28, § 1. 1848, c. 69.
- 69 Franklin, one hundred and fifty dollars.  
R. S., c. 150, § 1. 1847, c. 18.
- 71 Piscataquis, one hundred and thirty-five dollars.  
R. S., c. 150, § 1. 1843, c. 28. 1848, c. 35.
- 73 Aroostook, two hundred dollars. R. S., c. 150, § 1.  
1842, c. 4. 1846, c. 176. 1855, c. 117, § 1.
- 75 Registers of probate in the counties of
- 76 York, six hundred and twenty-five dollars.  
R. S., c. 150, § 1. 1846, c. 178, § 1.
- 78 Cumberland, nine hundred and fifty dollars.  
R. S., c. 150, § 1. 1852, c. 224, § 1.
- 80 Lincoln, six hundred and fifty dollars.  
R. S., c. 150, § 1. 1849, c. 121, § 1.
- 82 Oxford, four hundred dollars.  
R. S., c. 150, § 1. 1850, c. 167, § 1.
- 84 Androscoggin, three hundred dollars. 1854, c. 60, § 13.

- 85 Sagaadahoc, three hundred dollars. 1854, c. 70, § 13.  
 86 Kennebec, seven hundred dollars.  
     R. S., c. 150, § 1. 1849, c. 126, § 1.  
 88 Somerset, four hundred dollars.  
     R. S., c. 150, § 1. 1851, c. 214, § 1.  
 90 Penobscot, five hundred and fifty dollars. R. S., c. 151, § 1.  
 91 Hancock, four hundred dollars.  
     R. S., c. 150, § 1. 1850, c. 182. 1854, c. 102, § 1.  
 93 Washington, four hundred dollars. R. S., c. 150, § 1.  
 94 Waldo, three hundred dollars. R. S., c. 150, § 1.  
 95 Franklin, two hundred and fifty dollars.  
     R. S., c. 150, § 1. 1847, c. 18. 1855, c. 123, § 1.  
 97 Piscataquis, one hundred and sixty-five dollars.  
     R. S., c. 150, § 1. 1848, c. 35, § 1.  
 99 Aroostook, two hundred dollars. R. S., c. 150, § 1.  
     1842, c. 4. 1846, c. 175. 1855, c. 118, § 1.

SECT. 2. The foregoing salaries shall be in full of all fees  
 2 and emoluments, pertaining to such offices, except as follows :

*First.* The secretary of state shall be entitled to retain such  
 4 fees as are received in his office for special services ;

*Second.* The Warden of the state prison shall have the ex-  
 6 clusive use and occupation of such part of the keeper's house  
 7 and buildings in Thomaston, belonging to the state, appurtenant  
 8 to said prison and yard, as the governor and council may direct,  
 9 and the free use of store rooms, and fuel for his use, which shall  
 10 be furnished by the prison without charge ;

*Third.* The reporter of the decisions of the supreme judicial  
 12 court, may retain, to his own use, the profits arising from the  
 13 publication of his reports ;

*Fourth.* The register of probate shall be entitled to fees for  
 15 all copies of papers, by him furnished by request, except one of  
 16 each of the following papers, to be furnished by him, when  
 17 demanded, to executors, administrators, guardians, trustees,  
 18 widows, heirs or other parties, principally interested, to wit :—  
 19 all wills proved, inventories returned and accounts settled,  
 20 partitions of real estate and assignment of dower, and all other  
 21 orders and decrees of the court of probate. R. S., c. 150, § 2.



SECT. 3. The clerks of the judicial courts, when they render  
 2 to the treasurers of their counties, their account of fees, as  
 3 provided by law, may each retain one thousand dollars, if so  
 4 much has accrued to them during the preceding year, and in  
 5 the same proportion for any part of a year, and in addition, one  
 6 half of all the fees of office to them accrued, over that sum, or  
 7 proportional part thereof, as their salaries. R. S., c. 150, § 3.

*Compensation of members of the State government.*

SECT. 4. Each member of the council, senate and house of  
 2 representatives, shall be allowed and paid for his services, two  
 3 dollars for every day he has attended, and two dollars for every  
 4 ten miles travel from his place of abode, at each session. The  
 5 president of the senate and speaker of the house of representatives,  
 6 in addition to their pay as members, shall each be entitled to two  
 7 dollars for every day's attendance. To the secretary of the  
 8 senate, and clerk of the house of representatives, there shall be  
 9 allowed and paid three dollars, each; and to their respective  
 10 assistants, two dollars each, for every day they are employed as  
 11 such. Pay rolls shall be made up in conformity to these  
 12 provisions, and paid out of the treasury of the state.

R. S., c. 150, § 4.

*Registers of Probate.*

SECT. 5. When the register of probate is unable, from sick-  
 2 ness, or from any other cause, neglects to do the duties of his  
 3 office, the judge of probate for his county shall certify such  
 4 inability, or neglect, to the county treasurer, and the time of  
 5 its commencement and termination; and who has performed the  
 6 duties of register in the mean time. R. S., c. 150, § 5.

SECT. 6. Said treasurer shall not pay such register the salary  
 2 that accrues after he ceases to perform his duties; but shall pay  
 3 the same to the person certified as aforesaid, who has discharged  
 4 such duties, until the register resumes the same, or a new  
 5 register is appointed. R. S., c. 150, § 6.

SECT. 7. Each county shall provide all books necessary for  
 2 keeping the records in the registry of probate, and all necessary  
 3 printed blanks. R. S., c. 150, § 7.

**Chapter 116.****THE REGULATION OF FEES AND COSTS, IN CERTAIN CASES.**

- Sect.* 1. Fees chargeable, and costs taxable in civil and criminal suits.
2. Fees of justices of the peace.
  3. Judges of municipal and police courts.
  4. Clerks of the judicial courts, supreme judicial court, and court of county commissioners.
  5. Fees of sheriffs and their deputies.
  6. Coroners, for similar services.
  7. Costs of inquests on dead bodies.
  8. Fees of constables.
  9. Jailor's, for commitment and discharge, and support of prisoners.
  10. Jailors to make return to county commissioners of all their expenses and support of prisoners, at each of their stated sessions.
  11. County commissioners, fees for services.
  12. Jurors, fees.
  13. Duty on jury trials to be paid to the clerk.
  14. Fees of witnesses.
  15. Costs taxed for parties and attorneys in civil causes; costs in actions brought in the supreme judicial court, which a magistrate might try.
  16. Costs taxable for the state in criminal prosecutions.
  17. Probate fees.
  18. Expenses of partition, or assignment of dower in probate court, to be paid by parties; except when the judge requires executors, &c., to pay.
  19. Fees of the secretary of state.
  20. Register of deeds.
  21. Fees for solemnization of marriages.
  22. Fees of town clerks.
  23. Fees of inspectors, weighers, measurers and surveyors. Fish; beef and pork; butter and lard; hops; tobacco; onions; pot and pearl ashes; lime; lumber; mill logs; fire wood and bark; weights and measures, and fire-arms.
  24. Inspectors may require returns from their deputies, under oath.
  25. What constitutes a written page. Fees for copying and annexing certificates in general cases.
  26. Fees not expressly provided for.
  27. Fee tables to be exposed to view in offices.
  28. Account of items, in writing, may be required by party paying penalty.
  29. Penalty for overcharging costs on justice writs, by attorneys or others.

SECT. 1. The fees, chargeable by public officers, for the 2 services hereinafter mentioned, and the costs, taxable in civil 3 suits and criminal prosecutions, shall be, as provided in this 4 chapter. R. S., c. 151.

*Fees of Justices of the Peace.*

SECT. 2. For every blank writ of attachment and summons 2 thereon, or original summons, ten cents.

For every subpoena, for one or more witnesses, ten cents.

For the entry of an action, or filing a complaint in civil causes, 5 including filing of papers, swearing of witnesses, examining, 6 allowing and taxing the bill of costs, and entering upon judgment, and recording the same, thirty cents.

For the trial of an issue, eighty cents.

For a copy of a record, or other paper, at the rate of twelve 10 cents a page.

For a writ of execution, fifteen cents.

For a recognizance to prosecute an appeal, including principal 13 and surety, twenty cents.

For taking a deposition, affidavit, or disclosure of a trustee, in 15 any cause not pending before himself, twenty cents; for writing 16 the same with the caption, and for the notification to the parties 17 and witnesses, at the rate of twelve cents a page; the justice 18 who takes such affidavit, deposition or disclosure, shall certify 19 the fees of himself, of the witnesses or party disclosing, and of 20 the officer serving the notifications.

For taking a deposition in perpetual memory of the thing, the 22 same fees, as in taking other depositions.

Administering an oath in all cases, except on a trial or 24 examination before himself, and to qualify town or parish officers, 25 and a certificate thereof, twenty cents, whether administered to 26 one or more persons, at the same time.

Taking the acknowledgment of a deed, with one or more seals, 28 if it is done at the same time, and certifying the same, seven- 29 teen cents.

Granting a warrant of appraisement in any case, and swearing 31 appraisers, thirty-two cents.

For receiving a complaint, and issuing a warrant in criminal 33 cases, fifty cents.

For entering a complaint in a criminal prosecution, swearing 35 witnesses, rendering judgment and recording the same, examining, 36 allowing and taxing the costs, and filing the papers, 37 seventy-five cents.

Recognizing persons charged with crimes, for their appearance 39 at the supreme judicial court, and for certifying and returning 40 the same, with or without sureties, twenty-five cents, to be paid 41 by the person so recognizing.

For a mittimus for the commitment of any person, on a criminal  
43 accusation, twenty-five cents.

In case of a bastardy process, the fees may be charged, as for  
45 like services in a criminal prosecution.

Recognizance of debt and recording, forty-two cents.

Drawing a rule for submission to referees, and acknowledging  
48 the same, thirty-three cents.

Writ to remove a nuisance, thirty-three cents.

Calling a meeting of any corporation, fifty cents.

For an examination of a debtor, under the laws for the relief  
52 of poor debtors, fifty cents; for interrogatories proposed by the  
53 creditor or his attorney and answers, to be paid by the creditor,  
54 twelve cents a page.

For travel on any official duty, at the rate of fifty cents, for  
56 every ten miles, in going and returning.

And, in all cases where the attendance of two or more justices  
58 is required, each of them shall be entitled to the fees, prescribed  
59 for all services rendered by him personally. R. S., c. 151, § 1.

SECT. 3. Except when otherwise expressly provided, the fees  
2 of the judge of any municipal or police court, whether in civil  
3 or criminal proceedings, shall be taxed in the same manner, and  
4 at the same rate, as the fees of justices of the peace, so far as  
5 applicable. When any such judge receives a stated salary for  
6 his services from the treasury of any county, he shall account  
7 under oath to the treasurer of said county for all fees accruing  
8 to him in said capacity, towards his salary, including ten cents  
9 for the blank writ in every action entered before him; and if  
10 such fees exceed the amount of his salary, for any such quarter,  
11 the excess shall be by him paid over to such treasurer.

R. S., c. 151, § 2. 1842, c. 31, § 21.

#### *Fees of the Clerks of the Judicial Courts.*

SECT. 4. *First.*—For services as clerks of the supreme  
2 judicial courts.

For every blank writ of attachment, with a summons, or of  
4 scire facias, or an original summons, four cents.

For a blank writ of replevin, with the seal, signature and  
6 blank bond, eight cents. 1845, c. 148, § 1.

For the entry of every action, entering up and recording the  
8 judgment, whether on a verdict, demurrer, nonsuit or default,  
9 sixty cents.

Acknowledging satisfaction of a judgment on the record, eight  
11 cents.

For copies, twelve cents a page.

For continuing each cause to the next term, five cents.

Entering the surrender of a principal into court by his bail,  
15 and making a record thereof, fifteen cents.

For recording a petition for partition and any order thereon,  
17 at the rate of twelve cents a page.

Entry of a rule of court upon the parties submitting a cause to  
19 referees, fifteen cents.

Proving a deed in court, and certifying the same, twenty cents.

Authenticating the official signature of a magistrate, twenty-  
22 five cents.

For an original or other writ of execution in personal matters,  
24 and filing the same, when returned, fifteen cents.

A writ of possession in real actions, twenty-five cents.

A writ of protection or habeas corpus, twenty-five cents.

A subpoena for one or more witnesses, ten cents; a subpoena,  
28 duces tecum, ten cents.

For each venire facias for jurymen, five cents, to be paid out  
30 of the county treasury.

Opening and filing a deposition, five cents.

Entering an indictment, presentment, complaint or information,  
33 including the recording of the judgment of the court thereon;  
34 examining and casting the bill of costs, and filing the papers,  
35 sixty-five cents.

Each warrant for a criminal, twenty cents.

Examining and casting the grand jurors' accounts, and order  
38 thereon, thirty cents.

And for the services enumerated below, his fees shall be as  
40 follows:

In an equity case, the court may allow a further sum, not  
42 exceeding ten cents a page, in the whole, for making up the  
43 record, to be taxed by the clerk.

A writ of review, seventy-five cents.

A writ of scire facias, forty cents.

Every writ and seal, other than before mentioned, forty cents.

Each recognizance, including principal and sureties, twenty  
48 cents.

Recording judgment in every criminal cause, forty cents.

Entering a discharge of a recognizance, by proclamation, or  
51 otherwise, fifteen cents.

*Second.*—For services as clerks of the county commissioners :

For a warrant for a county tax, ten cents.

A warrant to lay out or alter a road, ten cents.

Recording the reports of highways, and other matters, by  
56 order of the commissioners, and copies of all records or other  
57 papers, twelve cents a page.

For the entry of a petition, fifty cents. R. S., c. 151, § 3.

#### *Fees of Sheriffs and their Deputies.*

SECT. 5. For the service of an original summons or scire  
2 facias, either by reading or copy, or for the service of a capias  
3 or attachment with summons, on one defendant, twenty-five  
4 cents ; if served on more than one defendant, twenty-five cents  
5 more for each defendant.

If the sheriff or his deputy, by the written direction of the  
7 plaintiff, his agent or attorney, makes a special service of any  
8 writ of attachment by attaching property, he shall receive  
9 therefor fifty cents, including the summons thereon ; or, if by  
10 taking the body on a capias, he shall be allowed fifty cents for  
11 each defendant on whom such writ is so served.

Where the officer is by law directed to leave a copy, in order to  
13 complete the service, or gives a copy of any precept upon  
14 demand, he may charge at the rate of twelve cents a page ;  
15 which, in the latter case, shall be paid by the party demanding  
16 the copy.

If real estate is attached, the officer may charge twenty-five  
18 cents, for leaving with the register of deeds, an attested copy of  
19 his return and other particulars, as required by law, and in  
20 lieu of travel, legal postage from the post office nearest the  
21 residence of the officer ; and the usual rate of travel from the

22 residence of such officer to said post office ; and he shall pay the  
23 register ten cents, and tax the same with his own fees.

1852, c. 232, § 1.

For a bail bond and writing the same, including principal and  
25 sureties, to be paid by the person admitted to bail, and taxed  
26 for him, if he should prevail, twenty cents.

For the service of a subpoena, notice to an adverse party, or  
28 other process in which there is no command to make return  
29 thereof, twenty-five cents; and, if by copy, at the rate of twelve  
30 cents a page for the copy; also the officer may charge, for his  
31 actual necessary travel, at the rate of four cents a mile, the  
32 usual way to the place of service, with all sums actually paid  
33 by him for boat hire, and crossing any toll bridge or ferry, in  
34 making such service; and any such service on an adverse party,  
35 by giving him an attested copy of the notice in hand, shall be  
36 valid.

For levying and collecting executions in personal actions; for  
38 every dollar of the first one hundred dollars, three cents; for  
39 every dollar above one hundred, and not exceeding two hundred  
40 dollars, two cents; and for every dollar above two hundred  
41 dollars, one cent.

For serving a writ of possession, one dollar and ten cents; and,  
43 if on more than one piece of land, seventy-five cents for each  
44 piece of land, after the first; and the fees for levying and  
45 collecting the costs, shall be the same as above provided for  
46 executions in personal actions.

For serving an execution upon a judgment of court for partition  
48 of real estate, or assignment of dower, one dollar a day, and four  
49 cents a mile from the officer's place of abode to the place of  
50 service.

For causing appraisers to be sworn, and making return of levy  
52 on real estate, fifty cents.

For each appraiser of real estate, for extending execution or  
54 assigning dower, one dollar a day, and travel at the rate of four  
55 cents a mile, going out and returning home; to be paid by the  
56 officer and charged in his return.

For advertising, to be sold on execution, a right in equity of  
58 redeeming mortgaged real estate, in a public newspaper, such

59 sum as he pays to the printer for such advertisement; and, for  
60 writing and posting up notices of the sale of such equity in the  
51 town where the land lies, and in two adjoining towns, one dollar;  
52 and, for making out a deed and return of the sale of such equity,  
53 one dollar.

When the estate or interest of any person, held by a possession  
55 or improvement, is seized and sold on execution, as provided by  
56 law, or the franchise or other property of a corporation, or the  
57 property of an individual is sold on execution, by a process  
58 similar thereto and advertising in like manner, the officer shall  
59 be entitled to the same, as in the sale of an equity of redemp-  
60 tion.

The fees of the register of deeds, for recording any levy upon  
62 real estate, or the deed of the officer for the sale of any real  
63 estate on execution, shall be taxed by the officer in his return;  
64 and it shall be the duty of every officer, making a levy on real  
65 estate by appraisement, to cause the execution, and his return  
66 thereon, to be recorded by the register of deeds of the county  
67 where the land lies, within three months after such levy.

For the service of a warrant, the officer shall be entitled to  
69 fifty cents.

For each aid, necessarily employed in criminal cases, including  
71 expenses, one dollar per day, and in that proportion for a longer  
72 or shorter time; and four cents a mile for travel in going out  
73 and returning home.

For summoning witnesses in criminal cases, the same as in  
75 civil causes; unless in special cases, when the court may increase  
76 the fees to what they judge reasonable.

For the officer's attending court and keeping the prisoner in  
78 criminal cases, seventy-five cents for every twelve hours, and in  
79 that proportion for a greater or less time.

For travel for the service of any writ, warrant, execution or  
81 other process, when not otherwise expressly provided by law,  
82 four cents a mile; the travel to be computed from the place of  
83 service to the court or place of return, by the usual way; but  
84 if the distance between those places is more than fifty miles,  
85 only one cent a mile shall be allowed for all travel exceeding



86 that distance; only one travel shall be allowed for any one pre-  
87 cept; but if the same is served on more than one person, the  
88 travel may be computed from the place of service most remote  
89 from the place of return, with all further necessary travel in  
90 serving such precept.

For travel across any toll bridge or ferry actually passed in  
92 serving or returning any precept, the sum by law payable at  
93 such bridge or ferry, for a man and horse; for travel by water  
94 to or from any island, or crossing any river where no ferry is  
95 established, in making service of a writ or warrant, the court  
96 where the process is returnable may allow a reasonable charge.

No charge of any such officer for service, travel or expenses  
98 paid, shall be allowed, unless the items thereof be expressly  
99 stated and the amount of each.

For distributing venires for jurors, eight cents each; treas-  
101 urer's warrants, twenty-five cents each; for proclamations of  
102 all kinds, five cents each.

For transmitting to the selectmen of towns precepts from the  
104 governor, for calling special meetings for the elections of rep-  
105 resentatives to congress from any district, with copies of the  
106 lists of persons previously voted for, for each town, fifty cents.

For each day's attendance by the sheriff on the supreme judi-  
108 cial court, three dollars; to be paid from the county treasury.

For every deputy sheriff, when ordered to attend said court,  
110 one dollar and fifty cents a day, from the county treasury.

For services under the provisions of law for the relief of poor  
112 debtors, as follows: taking a debtor before a justice or justices  
113 for disclosure, travel, as in service of a writ, and attendance,  
114 twenty-five cents; for a bail or other bond, twenty-five cents;  
115 and for recommitment of a prisoner, when remanded, twenty-  
116 five cents; and no dollarage or commission shall be allowed to  
117 the officer for an arrest or commitment upon execution or mesne  
118 process, except upon so much money as is actually collected.

R. S., c. 151, § 4.

SECT. 6. Coroners shall be entitled to the same fees as sher-  
2 ifs, for similar services, necessary to be performed by them,  
3 except where otherwise expressly provided.

They may receive for attending in court in every trial, where  
 5 the sheriff is concerned, twenty-five cents; and the same for  
 6 attending the jury therein. R. S., c. 151, § 5.

*Of inquests on dead bodies.*

SECT. 7. The fees for taking inquests on dead bodies, shall  
 2 be as follows, to be certified in the coroner's return, and paid  
 3 out of the county treasury.

To the coroner for granting a warrant, and taking an inquest  
 5 on one body, one dollar; if on more than one at the same time,  
 6 whose death was caused by the same means, twenty cents for  
 7 each body after the first, and ten cents a mile for travel from  
 8 his residence to the place of inquest. 1842, c. 13, § 1.

To the jurymen, seventy-five cents each for each day's attend-  
 10 ance, and four cents a mile for travel each way.

To the constable for his travel and attendance, and expenses in  
 12 summoning a jury, ninety cents a day. R. S., c. 151, § 6.

SECT. 8. The fees of constables for the service, travel and  
 2 return of each venire shall be one dollar and fifty cents, to be  
 3 paid out of the county treasury; and for services which may  
 4 be performed, either by a deputy sheriff or a constable, the  
 5 constable shall be allowed the same fees as a deputy sheriff,  
 6 unless otherwise provided by law. R. S., c. 151, § 7.

SECT. 9. The jailor's fees for the commitment or discharge of  
 2 a prisoner, shall be twenty cents; and for the entire support of  
 3 each prisoner of every description committed to his custody, such  
 4 sum, not exceeding at the rate of one dollar and fifty cents a  
 5 week, as the county commissioners judge reasonable.

R. S., c. 32, § 34, c. 151, § 8.

SECT. 10. The jailor in each county shall render on oath to  
 2 said commissioners, at each stated session, an account of all  
 3 expenses for the support of prisoners, committed by due process  
 4 of law for any criminal offense, stating the time when each  
 5 prisoner was committed, for what offense, how long held, and, if  
 6 his term has expired, when discharged, and shall exhibit the  
 7 warrants of commitment and discharge; and the jailor shall  
 8 credit all moneys and effects whatever received or to be received  
 9 of the prisoner, or of other persons on his account; and the

10 court, on due examination into the nature of the accounts, and  
 11 the ability of the prisoner to refund any part of such expenses,  
 12 shall order such accounts to be paid to the jailor, as provided in  
 13 the preceding section, from the county treasury, and the same  
 14 shall be refunded by the state.

R. S., c. 152, § 16. 1845, c. 131, § 1, 2.

SECT. 11. The fees of the county commissioners shall be two  
 2 dollars per day, for their time, when actually employed, and one  
 3 dollar for every ten miles travel, and in the same proportion for  
 4 a longer or shorter time or distance; subject to the conditions  
 5 prescribed in the fifteenth and sixteenth sections of chapter  
 6 seventy-eight. R. S., c. 151, § 9. 1850, c. 204, § 1, 2.

SECT. 12. The grand jurors and the jurors for trials, attend-  
 2 ing at the supreme judicial court, shall each be allowed one  
 3 dollar and fifty cents per day for their attendance, and six cents  
 4 a mile for their travel out and home, to be paid out of the county  
 5 treasury; and jurors attending before a sheriff, or on any other  
 6 occasion prescribed by law, shall be allowed a like compensation.

R. S., c. 151, § 10. 1850, c. 165, § 1.

SECT. 13. There shall be paid to the clerk of the supreme  
 2 judicial court, by the plaintiff, or appellant, seven dollars for  
 3 the trial by jury of each civil action, for the use of the county,  
 4 to be taxed with his costs, if he prevails, and the clerk shall  
 5 forthwith pay over the same to the county treasurer.

R. S., c. 151, § 11.

SECT. 14. Witnesses, whether in the supreme judicial court,  
 2 probate court, or before the county commissioners, shall receive  
 3 one dollar for each day's attendance, and four cents, for each  
 4 mile's travel going out and returning home; and, before a jus-  
 5 tice of the peace, a judge of a municipal or police court, or  
 6 referees, auditors or commissioners, specially appointed to take  
 7 testimony, fifty cents a day for attendance, and for travel, the  
 8 same as at the courts aforesaid. R. S., c. 151, § 12.

*Allowance to parties and attorneys in civil causes.*

SECT. 15. To parties recovering costs in any court, or before  
 2 a justice of the peace, thirty-three cents for each day's attend-  
 3 ance, and the same for every ten miles travel.

No plaintiff shall be allowed for more than three days attendance, when the defendant is defaulted; unless the defendant has appeared and answered to the plaintiff's suit; in which case, if the defendant is defaulted after three days, no attendance shall be allowed the plaintiff, after the day when the default happens, and in no case, for more than six days, in all, unless the action is entered on the trial docket; and then, not exceeding ten days attendance in each term.

Costs for travel shall be taxed in all cases according to the distance of the plaintiff, or his attorney, who is nearest to the place of trial; and when the action is in the name of an indorsee, such costs for travel shall be taxed according to the distance of the attorney, payee or indorsee, who is nearest to the place of trial; but no costs for travel shall be allowed for more than ten miles distance from any justice, municipal or police court, nor for more than forty miles distance from any other court, unless the plaintiff recovering costs, actually travels a greater distance, or the adverse party, if he recovers costs, by himself, his agent or attorney, travels in fact a greater distance for the special purpose of attending court in such cause.

For a power of attorney, fifty cents; and for the plaintiff's declaration, fifty cents, in the supreme judicial court; but no fee for a power shall be taxed before any justice of the peace.

For an issue in law or fact, there shall be allowed for an attorney's fee, two dollars and fifty cents, in the supreme judicial court.

If, in any action originally brought before the supreme judicial court, except actions by or against towns for the support of paupers, it appears on the rendition of judgment, that the action should have been originally brought before a justice of the peace or the judge of any municipal or police court, the plaintiff shall not be entitled to recover, for costs, more than one-quarter of the debt or damage, so recovered; but on any report of referees full costs may be taxed for the prevailing party, unless the report otherwise provides.

R. S., c. 151, § 13. 1842, c. 31, § 20.

*Costs Taxable for the State, in Criminal Prosecutions.*

SECT. 16. For the attorney acting for the state, in all cases 2 in the supreme judicial court, one dollar and twenty-five cents, 3 unless there is a trial by jury or an issue in law, at the law 4 court, in which case there shall be an additional charge of one 5 dollar.

For the indictment, in the supreme judicial court, one dollar 7 and twenty-five cents.

For attendance, thirty-three cents a day, not to extend beyond 9 the second week of any one term; but no fees for travel shall be 10 allowed in any case, in which the state is a party.

No attendance shall be taxed, in cases of defaulted recogni- 12 zances, other than what is taxed in the prosecutions in which 13 they are taken, until the return of a writ of scire facias issued 14 thereon.

In all indictments against towns for neglecting to make or 16 repair any way, not tried by the jury, the fees taxed for the 17 state shall be limited to three dollars; and the costs shall not be 18 taxed until the action is finally disposed of.

No fees shall be allowed to complainants before the grand jury 20 against towns for neglecting to make or repair roads; nor to any 21 other witnesses in such cases, unless summoned by the county 22 attorney or grand jury.

R. S., c. 151, § 14. 1848, c. 51, § 1. 1844, c. 95, § 2.

*Probate Fees.*

SECT. 17. The register shall receive for such copies as are 2 taxable by law, twelve cents, a page. He shall demand no fee 3 for taking from the file of his office or transporting to the place 4 of the sitting of the probate court, such papers as are necessary 5 in the settlement of any estate, or account in said court.

To executors, administrators, guardians and trustees, one dollar 7 for every ten miles travel, to and from the court, and one dollar 8 for each day's attendance; and a commission, at the discretion 9 of the judge of probate, whether the account is settled at one or 10 more times, not exceeding five per cent. on the amount of per- 11 sonal assets, that may come to their hands; having regard to 12 the nature, liability and difficulty, attending their trusts. In

13 cases where legal counsel is necessary, a reasonable sum for  
14 professional aid shall be allowed at the discretion of the judge.

To appraisers on estates, and to commissioners for receiving  
16 claims against insolvent estates, and to commissioners appointed  
17 to make division of estates, and for assigning and setting out a  
18 widow's dower, not exceeding two dollars a day for the time  
19 actually employed, including travel and expenses.

The fees to subscribing witnesses to wills, and appraisers of  
21 estates, shall be paid by the executors, administrators, trustees  
22 or guardians, and allowed in the settlement of their accounts.

R. S., c. 151, § 15.

SECT. 18. When a partition of real estate or assignment of  
2 dower is made, by order of any judge of probate, the expenses  
3 thereof shall be paid by the parties interested, in proportion to  
4 their interest; except that, when such expenses accrue prior to  
5 the closing of the final account of any executor or administrator  
6 of the deceased owner of any such real estate, having in his hands  
7 sufficient personal assets for the purpose, the judge of probate,  
8 if he sees fit, may order the same to be paid by such executor or  
9 administrator, and allow the same in his account.

An account of said charges shall first be exhibited to said judge  
11 and allowed by him, after due notice and hearing of all parties  
12 interested therein.

In case of neglect or refusal of any person, liable to pay such  
14 expenses of partition and assignment of dower, the judge of  
15 probate may issue a warrant of distress against such delinquent,  
16 for the amount due from him, and the costs of the process.

R. S., c. 151, § 16.

*Fees of the Secretary of State.*

SECT. 19. For a certificate under the seal of the state, one  
2 dollar; and for all copies, at the rate of twelve cents a page;  
3 if such certificate or copies are for the benefit of particular  
4 persons.

R. S., c. 151, § 17.

*Fees of the Register of Deeds.*

SECT. 20. For recording a deed or mortgage, fifty cents.

For recording the assignment of a mortgage, twenty-five cents.

For recording a levy, one dollar and fifty cents; and the same

4 sum for certified copies of these instruments, as for recording  
5 them. And said registers shall make an alphabet to each vol-  
6 ume of records, without charge to the county.

For entering in the margin a discharge of the mortgage, to be  
8 signed by the person discharging it, twelve cents.

For receiving of an officer a copy of return of attachment of  
10 real estate, minuting on it when it is received, keeping it on  
11 file, and entering it in a book kept for the purpose, ten cents.

For receiving, filing and recording certificate and description  
13 of homestead, fifty cents. The above fees are to be paid when  
14 the instrument is offered to be recorded. R. S., c. 151, § 18.

1853, c. 40, § 1. 1850, c. 207, § 4.

SECT. 21. Every ordained minister, or justice of the peace,  
2 who lawfully solemnizes a marriage and certifies the same, shall  
3 be entitled to receive therefor, one dollar and twenty-five cents.

R. S., c. 151, § 19.

#### *Fees of Town Clerks.*

SECT. 22. For entering and recording intentions of marriage,  
2 giving certificate of same, and recording marriage on receiving  
3 the minister's or justice's certificate thereof, fifty cents; to be  
4 paid on issuing the certificate of intention of marriage. For  
5 recording births and deaths, eight cents each. For a certificate  
6 of a birth or death, ten cents.

R. S., c. 151, § 20. 1852, c. 282, § 4.

#### FEES OF INSPECTORS AND THEIR DEPUTIES, WEIGHERS, MEASURERS AND SURVEYORS.

##### *Fish.*

SECT. 23. For each certificate of exportation, seventeen cents;  
2 for inspecting and branding each tierce, ten cents; each barrel,  
3 seven cents; each box of smoked herrings or alewives, one cent;  
4 exclusive of the labor and expense of coopering; all which shall  
5 be paid by the seller. 1845, c. 151, § 1. 1849, c. 91, § 6.

##### *Beef and Pork.*

For each barrel, inspecting and branding, twelve and a half  
7 cents; cutting, weighing and packing, ten cents; and for coo-  
8 pering, ten cents. 1842, c. 15. 1851, c. 212.

For each half barrel, inspecting and branding, eight cents;  
 10 cutting, weighing and packing, seven cents; and for coopering,  
 11 seven cents.

In case the amount to be inspected is less than ten barrels, he  
 13 shall be allowed ten cents a mile, for travel to the place where  
 14 it is to be inspected.

For beef reserved for smoking, jerking and other purposes, six  
 16 cents for every two hundred pounds.

For each certificate required by law, twenty-five cents; for  
 18 weighing hides and delivering a bill thereof, four cents a hide;  
 19 to be paid by the purchaser.

The inspectors shall not be entitled to receive of their depu-  
 21 ties more than at the rate of one-fifth of the fees, by them  
 22 received for the above specified services.

#### *Butter and Lard.*

For inspecting, branding, and weighing each cask, keg or firkin,  
 24 seven cents, and for each certificate required by law, twenty-five  
 25 cents; the inspector general to receive of his deputies no more  
 26 than one-fifth part of the fees, paid them for the above services.

#### *Hops.*

For inspecting, marking, weighing and delivering an attested  
 28 schedule of the same, at the rate of ten cents for every hundred  
 29 pounds, to be paid by the purchaser; exclusive of the charges  
 30 of re-packing and mending the bales, when necessary, which  
 31 shall be paid by the vender; and also exclusive of storage,  
 32 if stored by the inspector more than thirty days after inspection,  
 33 but including storage, if for less than that time.

For a general certificate to the collector, on shipping the same,  
 35 twenty-five cents, to be paid by the shipper. The inspector to  
 36 receive one-fifth part only of the fees taken by his deputies.

#### *Tobacco.*

For every cask inspected and proved, twenty cents, if the num-  
 38 ber does not exceed four, and twelve cents for each cask exceed-  
 39 ing that number, exclusive of cooperage, to be paid by the  
 40 shipper.



*Onions.*

Ten cents for every hundred bunches, weighed and certified, if  
42 not exceeding five hundred bunches, and five cents a hundred for  
43 a greater quantity; the fees to be paid by the purchaser.

*Pot and Pearl Ashes.*

For inspecting and assorting, seven cents per hundred pounds;  
45 for coopering and nailing each cask and putting the same in  
46 shipping order, eight cents; the charges to be paid by the pur-  
47 chaser.

The inspectors shall not receive from their deputies more than  
49 seven and a half per cent. on the fees for inspecting, nor any  
50 part of the sum allowed for coopering.

*Lime.*

For each cask inspected and branded, one mill; and two dollars  
52 and fifty cents for each day employed in inspecting; and in that  
53 proportion for any part of a day.

Each inspector shall receive from his deputy only one mill for  
55 each cask, inspected and branded by the deputy.

*Lumber.*

To the surveyors of boards, plank, timber and joist, for view-  
57 ing only, six cents per thousand feet; for measuring and mark-  
58 ing the same, six cents more; and in that proportion for any  
59 part of a thousand, to be paid by the buyer.

To the surveyors of shingles and clapboards, to be paid by the  
61 buyer, for surveying and telling, six cents per thousand.

To the viewers and cullers of staves and hoops, for barrel staves,  
63 twenty-five cents per thousand, and for hogshead and butt staves,  
64 thirty-three cents per thousand, as well refuse as merchantable;  
65 the merchantable to be paid for by the buyer, the refuse, by the  
66 seller; and the culler of hoops shall be allowed forty cents per  
67 thousand.

*Mill Logs.*

To the surveyors, at the rates of four cents per thousand feet,  
69 board measure, for viewing and inspecting, and two cents per

70 thousand in addition, for measuring and marking the quantity  
71 and quality of the logs, and making out and delivering certifi-  
72 cates of the same; to be paid by the purchaser.

*Firewood and Bark.*

The measurers shall receive such fees for their services as the  
74 municipal officers of the town appoint; to be paid by the driver,  
75 and repaid by the buyer, when brought by land, and by the  
76 wharfinger, when brought by water.

*Weights and Measures.*

To the sealers of the several towns, for trying and proving by  
78 the town standard, and sealing each beam, weight and measure,  
79 found to be conformable to the standard, two cents, and if not  
80 conformable, four cents; to be paid by the person for whom they  
81 are sealed.

*Fire Arms.*

Each prover shall be entitled to receive for each barrel proved,  
83 twenty five cents; in addition to the expense of the powder  
84 necessarily used in the trial, whether the barrel stands the proof  
85 and is marked, or not. R. S., c. 151, § 21.

*General Provisions.*

SECT. 24. The inspectors of the kinds of merchandise com-  
2 missioned by the governor, when they see cause, may require  
3 their deputies to render to them, under oath, a true account of  
4 the official services performed by them. R. S., c. 151, § 22.

SECT. 25. Two hundred and twenty-four words shall consti-  
2 tute a written "page," if the writing contains that number, and  
3 where no other rule is provided, public officers shall be allowed  
4 for copies which they are required by law to furnish, twelve  
5 cents a page; for affixing an official seal to the same, when nec-  
6 essary, twenty-five cents more. R. S., c. 151, § 23.

SECT. 26. In all cases not expressly provided for, the fees of  
2 all public officers, for any official service, shall be at the same  
3 rate, as are prescribed in this chapter for like services.

R. S., c. 151, § 25.

SECT. 27. Every officer whose fees are regulated by law, shall  
2 constantly keep a printed or legibly written list and description  
3 of such fees, exposed to public view in his stated place of busi-  
4 ness, if he has any. R. S., c. 151, § 26.

*Penal Provisions.*

SECT. 28. Every officer or other person, upon receiving any  
2 fees herein stated, if required by the person paying the same,  
3 shall make a particular account thereof in writing, specifying  
4 for what they accrued, or he shall forfeit to the one paying such  
5 fees treble the sum paid, to be recovered in an action of debt.

R. S., c. 151, § 27.

SECT. 29. If any attorney at law, or other person, demands  
2 or takes for a writ of attachment, with a summons, or for an  
3 original summons, with the declaration returnable before a jus-  
4 tice of the peace, judge or recorder of a municipal or police  
5 court, more than fifty-seven cents of the defendant, or in the  
6 taxation of costs, such justice, judge or recorder, taxes or allows  
7 more than that sum for the same, he shall forfeit to the defend-  
8 ant not less than five nor more than ten dollars, to be recovered  
9 in an action of debt. R. S., c. 151, § 28.