

# MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE  
REVISED STATUTES

OF THE  
STATE OF MAINE,

PASSED \_\_\_\_\_, 1883;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE  
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX AND REFERENCE INDEX.

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PORTLAND:  
PRINTED BY WILLIAM M. MARKS.

CHAP. 114.

## TITLE TEN.

## Salaries and Compensations.

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- CHAP. 114. Duties payable by public officers, attorneys, and inspectors.  
 115. Salaries of public officers, and compensation of members of the government.  
 116. Regulation of fees and costs.

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 CHAPTER 114.

## DUTIES PAYABLE BY PUBLIC OFFICERS, ATTORNEYS, AND INSPECTORS.

- SEC. 1. Duties payable by public officers, [to state treasurers.]  
 2. Duties payable by attorneys to county treasurers.  
 3. *Duties payable by inspectors of fish.*  
 4. County treasurers to account to treasurer of state for duties received.

Duties payable by public officers.  
 R.S., c. 114, § 1.

SEC. 1. No person appointed to the office of justice of the peace, justice of the peace and of the quorum, trial justice, or notary public, [or inspector of fish,] shall enter upon the discharge of his official duties until he has paid five dollars to the treasurer of state, *or of the county for which he is appointed.\**

By att'y.  
 R.S., c. 114, § 2.  
 See c. 70, § 24.

SEC. 2. No person shall be admitted as an attorney, until he has paid to the treasurer of the county where he is admitted, twenty dollars, and produced a receipt therefor to the court.

By inspectors of fish.  
 R.S., c. 114, § 3.

SEC. 3. *Every inspector of fish, on being qualified, shall pay to the treasurer of the town in which he resides, five dollars, which shall be paid [over] to the treasurer of state on or before the twentieth day of January annually.\**

County treasurers to account to state for duties received.  
 R.S., c. 114, § 4.

SEC. 4. Each county treasurer in his account rendered to the state shall specify sums [so] received by him *under the provisions of this chapter, with the names of the persons and offices for which [and by whom] they were paid.\**

\* [NOTE. The foregoing changes were suggested to the commissioner by Hon. Samuel A. Holbrook, state treasurer.]

## CHAPTER 115.

## SALARIES OF PUBLIC OFFICERS, AND COMPENSATION OF MEMBERS OF THE GOVERNMENT.

## SALARIES OF PUBLIC OFFICERS.

- SEC. 1. Salaries of public officers.
2. Salaries of county attorneys.
  3. Salaries of judges of probate.
  4. Salaries of registers of probate.
  5. Salaries of clerks of courts.

## COMPENSATION OF MEMBERS OF THE GOVERNMENT.

- SEC. 6. Compensation of councillors, senators, representatives, secretary of senate, clerk of house, and assistants.

## SALARIES OF PUBLIC OFFICERS.

SEC. 1. The following officers are entitled to receive [annual] salaries from the treasurer of state in quarterly payments on the first day of January, April, July, and October, of each year, as follows :

Governor, two thousand dollars.

1880, c. 240.

*Secretary of state, twelve hundred dollars.\**

1879, c. 125, § 2.

*Deputy secretary of state, twelve hundred dollars.\**

See c. 2,  
§§ 34, 35.

Treasurer of state, sixteen hundred dollars ; and he shall not receive any other fee, emolument or perquisite. For clerk hire in the treasury department, a sum not exceeding twenty-two hundred dollars a year.

Adjutant general, nine hundred dollars ; and he shall not receive any other fee, emolument or perquisite. The clerk hire in the office of adjutant general shall not exceed five hundred dollars.

*Land agent eight hundred dollars.\**

1879, c. 144, § 1.  
See c. 5, § 3.

Warden of the state prison, fifteen hundred dollars, with the use, without charge, of such part of the keeper's house and buildings of the state, appurtenant to the prison and yard, as the governor and council may direct, and fuel for his use ; which shall be in full for all services, including the duty of receiving and paying out money for all purposes. Deputy warden, one thousand dollars.

1879, c. 125, § 2.

*Superintendent of public buildings, six hundred dollars.\**

See c. 2, § 20.

Night watchmen at state house, not exceeding two in number, five hundred dollars to each.

1879, c. 125, § 2.

*Judges* [Justices] of the supreme judicial court, each three thousand dollars.

1872, c. 24.

Justice of the superior court for the county of Cumberland, two thousand dollars.

1879, c. 150, § 1.

\* [NOTE. These salaries are provided for in chapters two and five.]

- CHAP. 115. Justice of the superior court for the county of Kennebec, seven-  
teen hundred dollars.
- 1879, c. 125, §2. Attorney general, one thousand dollars, in full for all services,  
expenses, and travel.
- 1879, c. 125, §1. Reporter of decisions, five hundred dollars, with the right to  
retain for his own use the profits arising from a publication of his  
own reports. Said reporter however to comply with all the pro-  
visions of sections sixty and sixty-one of chapter seventy-seven.
- 1879, c. 150, §2. SEC. 2. County attorneys of the counties of :
- Androscoggin, four hundred dollars.
  - Aroostook, two hundred dollars.
  - Cumberland, one thousand dollars.
  - Franklin, two hundred and twenty-five dollars.
  - Hancock, two hundred and fifty dollars.
  - Kennebec, four hundred and fifty dollars.
  - Knox, three hundred dollars.
  - Lincoln, two hundred and fifty dollars.
  - Oxford, three hundred and fifty dollars.
  - Penobscot, six hundred dollars.
  - Piscataquis, one hundred dollars.
  - Sagadahoc, two hundred and fifty dollars.
  - Somerset, two hundred and fifty dollars.
  - Waldo, two hundred and fifty dollars.
  - Washington, three hundred dollars.
  - York, four hundred and fifty dollars ; and no other fees, costs,  
or emoluments shall be allowed them.
- 1879, c. 150, §3. SEC. 3. Judges of probate, from the treasuries of their coun-  
ties, in quarterly payments as before provided :
- Androscoggin, three hundred dollars.
  - Aroostook, two hundred and fifty dollars.
  - Cumberland, sixteen hundred dollars.
  - Franklin, two hundred and fifty dollars.
  - Hancock, four hundred dollars.
  - Kennebec, five hundred dollars.
  - Knox, two hundred dollars.
  - Lincoln, three hundred dollars.
  - Oxford, three hundred and fifty dollars.
  - Penobscot, six hundred dollars.
  - Piscataquis, one hundred and fifty dollars.
  - Sagadahoc, four hundred dollars.
  - Somerset, two hundred dollars.
  - Waldo, two hundred dollars.
  - Washington, four hundred dollars.
  - York, four hundred dollars.

SEC. 4. Registers of probate, from the treasuries of their counties, in quarterly payments as aforesaid :

CHAP. 115.  
1879, c. 150, § 4.  
See c. 63,  
§§ 32 to 39.

Androscoggin, three hundred and fifty dollars.

Aroostook, three hundred and fifty dollars.

Cumberland, eight hundred dollars.

Franklin, four hundred dollars.

Hancock, four hundred dollars.

Kennebec, seven hundred dollars.

Knox, three hundred dollars.

Lincoln, five hundred dollars.

Oxford, five hundred and fifty dollars.

Penobscot, eight hundred dollars.

Piscataquis, two hundred and fifty dollars.

Sagadahoc, five hundred dollars.

Somerset, three hundred dollars.

Waldo, three hundred dollars.

Washington, four hundred dollars.

York, seven hundred and fifty dollars.

SEC. 5. The *pay and* compensation of the clerks of the judicial courts in the following named counties, [to be retained] out of the fees of their office, shall be as follows :

1879, c. 150, § 5.

Androscoggin: Eight hundred dollars and one half of all fees received over that sum, but his entire salary shall not exceed one thousand dollars.

Hancock: Seven hundred and fifty dollars, and one half of all fees received over that sum, but his entire salary shall not exceed one thousand dollars.

Lincoln: Eight hundred dollars, and one half the amount received over that sum, but his entire salary shall not exceed one thousand dollars.

Oxford: Seven hundred dollars, and half the amount received by him over that sum, but in no case to exceed eight hundred dollars for salary, and he shall be allowed an additional annual sum of fifty dollars for clerk hire.

Piscataquis: Five hundred dollars. He shall be responsible for all fees of office, whether received or not.

Somerset: Seven hundred dollars, and one half the amount received over that sum, but his entire salary shall not exceed one thousand dollars.

Washington: Eight hundred dollars, and one half the amount received by him over that sum.

York: Thirteen hundred and fifty dollars.

The compensation of the clerks in the following named counties, shall be as follows :

## CHAP. 115.

1881, c. 83.  
1879, c. 150, §5.

Cumberland: Eighteen hundred dollars. Deputy clerk twelve hundred dollars, and a sum additional not exceeding twelve hundred dollars for clerk hire. Said sums shall be full compensation for the performance of all duties required of him by law, including those performed by him as clerk of the superior court for said county. He shall be responsible for all fees of office, whether received or not.

Kennebec: All fees, as provided by law, from the supreme judicial court and superior court for said county.

Penobscot: Twelve hundred dollars, and an *additional* annual allowance of six hundred dollars for clerk hire. He shall be responsible for all fees of office, whether received or not. One clerk employed by him shall be known as deputy clerk, and sworn as such, and [he] shall give to the clerk a bond for his honesty, and the faithful discharge of his duties.

Clerk of  
courts, fees;  
amount to be  
retained.  
R.S., c. 115, §5.

Clerks of the *judicial courts* of the other counties may [each year] retain out of the fees received by them during the *past* [preceding] year, *at the rate of* one thousand dollars a year, and one half of the amount received over that sum, *rendering an account of all fees as provided by law*; [and in the same proportion for any fraction of a year.]

The compensation of clerks in the several counties is in full payment for the performance of all duties required of them by law, including those performed by them as clerks of the county commissioners, or by clerks *pro tem.* appointed by them under section seven of chapter seventy-eight, and they shall account for and pay over the same to the treasurers of their respective counties, as provided in section three of chapter seventy-nine.

Moneys received for naturalization, and for law copies, shall be considered fees of office within the meaning of this section.

## COMPENSATION OF MEMBERS OF THE GOVERNMENT.

Councillors,  
compensa-  
tion of, dur-  
ing session  
of legisla-  
ture.  
1875, c. 31.  
—for special  
sessions.

SEC. 6. Each member of the executive council shall receive the same compensation and travel as a representative to the legislature, for services as a councillor during the *annual* session of the council commencing in January and closing immediately after the adjournment of the legislature. For services at other sessions of the council, each councillor shall be paid two dollars for every day's actual attendance, and two dollars for every ten miles' travel, one way, from his place of abode to the state capital; and for authorized services on committees, when the council is not in session, three and a half dollars a day and necessary expenses.

—other  
services.

Compensa-  
tion of sena-  
tors and  
representa-  
tives.

Each member of the senate and house of representatives shall be *paid a salary of* [receive] one hundred and fifty dollars for the regular *annual* session of the legislature, and two dollars for every

ten miles' travel from his place of abode, once in each session. He is entitled to mileage on the first day of the session, and fifty dollars of his salary on the first day of each month thereafter, during the session, and the balance at the end thereof; but two dollars shall be deducted from the pay of every member for each day he is absent from his duties, without being excused by the house to which he belongs. The president of the senate and speaker of the house of representatives, shall *be paid a salary of* [receive] three hundred dollars for each session, with the same mileage as other members, and subject to the same deduction in case of absence. Any member acting as president pro tem. of the senate, or speaker pro tem. of the house, shall receive two dollars *per* [a] day extra therefor.

CHAP. 115.  
R.S., c. 115, §6.

When an extra session is called by the governor, the members of the senate and house of representatives shall each be paid two dollars for every day's attendance, and mileage as aforesaid.

Compensation for extra sessions.

The president of the senate and speaker of the house of representatives, at such extra session, shall receive, in addition, two dollars for every day's attendance.

--of presiding officers.

Secretary of the senate, and the clerk of the house of representatives, six hundred dollars each, in full for all services. Assistant secretary, and assistant clerk, three hundred dollars to each, in full for all services. *Said officers named in this paragraph are to perform all services similar to those done and performed by the officers who held these positions for the legislature of eighteen hundred and seventy-eight.* Messengers and assistant messengers to senate and to house, one hundred and fifty dollars to each, in full.

Sec'y of senate and clerk of house, \$600 each.  
Assistants \$300 each.  
1879, c. 125, §3.

Messengers and assistants, \$150 each.

Pages to the senate and to house of representatives, seventy-five dollars to each, in full.

Pages, \$75.

Messenger to the governor and council, five hundred dollars.

Messenger to governor and council.

[The salary of all public officers and the pay of all clerks in public offices not otherwise provided for, shall be from the state treasurer in quarterly payments.]

1879, c. 144, §2.

The treasurer of state shall make pay rolls and payments according to these provisions.

R.S., c. 115, §6.



## CHAPTER 116.

## THE REGULATION OF FEES AND COSTS.

## FEES AND COSTS REGULATED.

SEC. 1. Fees chargeable, and costs taxable in civil and criminal suits.

## FEES OF TRIAL JUSTICES AND JUSTICES OF THE PEACE, AND OF JUDGES OF MUNICIPAL AND POLICE COURTS.

SEC. 2. Fees of trial justices and justices of the peace.

3. Fees of judges of municipal and police courts.

## FEES OF THE CLERKS OF THE JUDICIAL COURTS.

SEC. 4. Fees of clerks of judicial courts, and court of county commissioners.

## FEES OF SHERIFFS AND THEIR DEPUTIES.

SEC. 5. Fees of sheriffs and their deputies.

## FEES OF CORONERS.

SEC. 6. Fees for coroners, for similar services.

7. Costs of inquests on dead bodies.

## FEES OF CONSTABLES.

SEC. 8. Fees of constables.

## FEES OF JAILERS.

SEC. 9. Fees for commitment and discharge of prisoners. Compensation for support of prisoners to be fixed by county commissioners.

10. Interested party may appeal from commissioners to S. J. court.

11. Copies of papers filed before commissioners to be filed by appellant in appellate court.

## JURORS AND WITNESSES.

SEC. 12. Jurors' fees.

13. Fees of witnesses.

## ALLOWANCE TO PARTIES AND ATTORNEYS IN CIVIL CAUSES.

SEC. 14. Costs taxed for parties and attorneys in civil causes; costs in actions brought in the supreme judicial or superior court, which a magistrate might try.

## COSTS TAXABLE FOR THE STATE IN CRIMINAL PROSECUTIONS.

SEC. 15. Costs taxable for the state in criminal prosecutions.

16. Fines and costs to be paid to the county where the offence is prosecuted, and the expenses to be paid by such county.

17. Criminal costs and expenses, how audited.

18. Clerk of courts to attest duplicate bills of criminal costs.

19. County treasurer to publish list of each term's bills of criminal costs.

## FEES OF THE SECRETARY OF STATE.

SEC. 20. Fees of the secretary of state.

## FEES OF REGISTERS OF DEEDS.

SEC. 21. Fees of registers of deeds.

## FEES FOR SOLEMNIZATION OF MARRIAGE.

## CHAP. 116.

SEC. 22. Fees for solemnization of marriage.

## FEES OF TOWN CLERKS.

SEC. 23. Fees of town clerks.

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

SEC. 24. Fees for inspectors, weighers, measurers and surveyors. Fish; beef and pork; pot and pearl ashes; lime; lumber; mill logs; firewood and bark; weights and measures, and fire-arms.

## GENERAL PROVISIONS.

- SEC. 25. Inspectors may require returns from their deputies, under oath.
26. What constitutes a written page. Fees for copying and annexing certificates in general cases.
27. Fees not expressly provided for.
29. Fee table to be exposed to view in offices.
29. Fees for entering appeal to be taxed and paid as other fees.

## PENAL PROVISIONS.

- SEC. 30. Account of items, in writing, may be required by party paying penalty.
31. Penalty for overcharging costs on justice writs, by attorneys or others.

## FEES AND COSTS REGULATED.

SEC. 1. The fees for precepts and services, and the costs taxable in civil suits and criminal prosecutions, shall be as provided in this chapter. Fees, and costs. R.S., c. 116, § 1.

## FEES OF TRIAL JUSTICES AND JUSTICES OF THE PEACE, AND OF JUDGES OF MUNICIPAL AND POLICE COURTS.

SEC. 2. For every blank writ of attachment and summons thereon, or original summons, ten cents. Fees of trial justices and justices of the peace. R.S., c. 116, § 2.

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

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

For the trial of an issue, eighty cents, and when more than one day is used in the trial, two dollars for each day, after the first, actually employed.

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

For a writ of execution, fifteen cents.

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

For taking a deposition, affidavit, or disclosure of a trustee, in any cause not pending before himself, twenty cents; for writing the same with the caption, and for the notification to the parties

CHAP. 116. and witnesses, at the rate of twelve cents a page; the justice who takes such affidavit, deposition, or disclosure, shall certify the fees of himself, of the witnesses, or party disclosing, and of the officers serving the notifications.

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

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

Taking the acknowledgment of a deed with one or more seals, if it is done at the same time, and certifying the same, seventeen cents.

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

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

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

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

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

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

Recognizance of debt and recording, forty-two cents.

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

Writ to remove a nuisance, thirty-three cents.

Calling a meeting of any corporation, fifty cents.

For examination of debtors.  
1881, c. 41.

—for travel.  
—limit.

For an examination of a debtor under the laws for the relief of poor debtors, two dollars for each day employed in such examination; and this shall be full payment for all official services and expenses in such examination, exclusive of travel. For travel on any official duty, twelve cents a mile one way. *Travel on any official duty shall* [but] not [to] be taxed for over ten miles *one way*, and in no case shall there be constructive travel.

R.S., c. 116, § 2.

And in all cases where the attendance of two or more justices is required, each of them shall be entitled to the fees prescribed for all services rendered by him personally.

Fees of judge

SEC. 3. Except when otherwise expressly provided by a fixed

salary, the fees of the judge of any municipal or police court, in civil proceedings, shall be the same as now provided by law, and criminal proceedings shall be taxed in the same manner and at the same rate as the fees of trial justices, so far as applicable. When any such judge receives a stated salary for his services from the treasury of any county, he shall account under oath to the treasurer of said county for all fees accruing to him in said capacity, towards his salary, including ten cents for the blank writ in every action entered before him; and if such fees exceed the amount of his salary for any such quarter, the excess shall be by him paid over to such treasurer.

CHAP. 116.  
of police or  
municipal  
court.  
1879, c. 130.

Judges re-  
ceiving sal-  
ary, to ac-  
count under  
oath for fees.

—where fees  
exceed  
salary.

#### FEES OF THE CLERKS OF THE JUDICIAL COURTS.

SEC. 4. For services as clerks of the supreme judicial courts: Clerks of the

For every blank writ of attachment with a summons, or of scire facias, or an original summons, four cents. R.S., c. 116, §4.

For a blank writ of replevin with the seal, signature, and blank bond, eight cents.

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

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

For copies, twelve cents a page.

In counties where clerks are not salaried officers, for continuing each cause to the next term, five cents. 1881, c. 49.  
R.S., c. 116, §4.

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

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

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

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

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

For an original or other writ of execution in personal matters, 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 witness, or with a duces tecum, ten cents.

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

Opening and filing a deposition, five cents.

Entering an indictment, presentment, complaint, or information,

CHAP. 116. including the recording of the judgment of the court thereon, examining and casting the bill of costs, and filing the papers, sixty-five cents.

Each [criminal] warrant *for a criminal*, twenty cents.

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

In an equity case, the court may allow a further sum, not exceeding ten cents a page in the whole, for making up the 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 cents.

Recording judgment in every criminal cause, forty cents.

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

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 order of the commissioners, and copies of all records, or papers, twelve cents a page.

For the entry of a petition, fifty cents.

#### FEES OF SHERIFFS AND THEIR DEPUTIES.

Sheriffs and  
their  
deputies.  
R. S., c. 116, § 5.  
15 Me., 469.

SEC. 5. For the service of an original summons or scire facias, either by reading or copy, or for the service of a capias or attachment with summons on one defendant, fifty cents; if served on more than one defendant, fifty cents more for each.

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

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

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

to said post office ; and he shall pay the register ten cents, and tax CHAP. 116. the same with his own fees.

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

For the service of subpœna, notice to an adverse party, or other process in which there is no command to make return thereof, twenty-five cents ; and if by copy, at the rate of twelve cents a page for the copy ; and travel as in other cases ; and service on an adverse party, by giving him an attested copy of the notice in hand, shall be valid.

For levying and collecting executions in personal actions, for every dollar of the first one hundred dollars, three cents ; for every dollar above one hundred, and not exceeding two hundred dollars, two cents ; and for every dollar above two hundred dollars, one cent. 17 Me., 433.

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

For serving an execution upon a judgment of court for partition of real estate, or assignment of dower, one dollar a day and four cents a mile from the officer's place of abode to the place of service. For service of a petition to the legislature, thirty cents, and twelve cents for each page of copy, and usual travel.

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

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

For advertising, to be sold on execution, a right in equity of redeeming mortgaged real estate in a public newspaper, such sum as he pays to the printer for such advertisement ; and for writing and posting up notices of the sale of such equity in the town where the land lies, and in two adjoining towns, one dollar ; and for making out a deed and return of the sale of such equity, one dollar.

When the estate or interest of any person, held by a possession or improvement, is seized and sold on execution, or the franchise or other property of a corporation, or the property of an individual, is sold on execution by a process similar thereto, and advertising in like manner, the officer shall be entitled to the same as in the sale of an equity of redemption.

The fees of the register of deeds for recording any levy upon

CHAP. 116. real estate, or the deed of the officer for the sale of any real estate on execution, shall be taxed by the officer in his return; and *it shall be the duty of every officer, making a levy on real estate by appraisal, to [shall] cause the execution and his return thereon to be recorded by the register of deeds of [for] the county [district] where the land lies, within three months after such levy.*

For the service of a warrant, the officer shall be entitled to fifty cents, and fifty cents for service of a mittimus to commit a person to jail or to the house of correction, and usual travel, with reasonable expenses incurred in the conveyance of such prisoner.

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

1872, c. 60.  
R.S., c. 116, §5.

For the service of a subpoena in criminal cases, fifty cents; unless in special cases, when the court may increase the fees to what they judge reasonable.

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

1875, c. 57.  
60 Me., 597.

For travel actually performed for the service of any writ, warrant, execution, or other process, six cents a mile each way, from the officer's residence to the place of the service of the precept, by the usual[ly] travelled route, with all reasonable sums actually paid for boat hire, ferriage, and for crossing any toll bridge, and postage for returning the process by mail to the court to which it is returnable. Only one travel shall be allowed for any one precept, and no constructive travel shall be allowed; but if the same is served on more than one person, the travel may be computed from the place of service most remote from the place of return, with all further necessary travel in serving such precept.

R.S., c. 116, §5.

No charge of any such officer for service, travel, or expenses paid, shall be allowed, unless the items thereof are expressly stated, and the amount of each; and no fees for constructive travel shall be allowed him for the service of a subpoena, notice to an adverse party, or other process in which there is no command to make return thereof.

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

For transmitting to the selectmen of towns precepts from the governor for calling special meetings for the election of representatives to congress from any district, with copies of the lists of persons previously voted for, for each town, fifty cents.

For each day's attendance by the sheriff on the supreme judicial court, or [either of] the superior courts of *the counties of Cumberland and Kennebec*, instead of the sum now fixed by law, to be paid from the county treasury. CHAP. 116.  
1879, c. 150, §7.

For every deputy sheriff, when ordered to attend said court, two dollars a day, from the county treasury. The sheriff, at its opening, shall present to the court a list of the officers attending, with a statement of the duties of each; and the court shall determine the number necessary, and disallow charges for others. R.S., c. 116, §5.

For services under the provisions of law for the relief of poor debtors, as follows: taking a debtor before a justice or justices for disclosure, travel as in service of a writ, and attendance, twenty-five cents; for a bail or other bond, twenty-five cents; and for re-commitment of a prisoner when remanded, twenty-five cents; and no dollarage or commission shall be allowed to the officer for an arrest or commitment upon execution or mesne process, except upon the money actually collected; for arresting a debtor on execution, when he discloses without giving bond, fifty cents, [and] travel as aforesaid; for keeping him, one dollar a day for himself and each necessary aid; for notifying the creditor and justices, twenty-five cents each, and travel as aforesaid; and no officer is required to arrest a debtor on execution, unless a written direction to do so, signed by the creditor or his attorney, is indorsed thereon, and a reasonable sum for such fees is paid or secured to him, for which he shall account to the creditor as for money collected on execution. 71 Me., 414.

#### FEES OF CORONERS.

SEC. 6. Coroners shall be entitled to the same fees as sheriffs for similar services, except where otherwise expressly provided. Coroners' fees for similar services.  
R.S., c. 116, §6.

They may receive, for attending *in court* in every trial where the sheriff is concerned, twenty-five cents, and the same for attending the jury therein.

SEC. 7. The fees for taking inquests on dead bodies shall be as follows, to be certified in the coroner's return, and paid out of the county treasury: Costs of inquests on dead bodies.  
R.S., c. 116, §7.  
69 Me., 597.

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

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

To the constable for his travel and attendance and expenses in summoning a jury, ninety cents a day.



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## FEES OF CONSTABLES.

Constables.  
R.S., c. 116, § 8.  
20 Me., 481.

SEC. 8. The fees of constables for the service, travel and return of each venire, shall be one dollar and fifty cents, to be paid out of the county treasury; and for services which may be performed either by a deputy sheriff or a constable, the constable shall be allowed the same fees as a deputy sheriff, unless otherwise provided by law.

## FEES OF JAILERS.

Jailer's fees  
for commit-  
ment and  
discharge.  
1881, c. 64, § 1.  
66 Me., 124.

County com-  
missioners  
shall fix jail-  
er's compen-  
sation for  
support of  
prisoners.

SEC. 9. The jailer's fees for the commitment or discharge of a prisoner shall be twenty cents; and for the entire support of each prisoner of every description committed to his custody, such sum not exceeding one dollar and seventy-five cents a week, as the county commissioners judge reasonable, when the average number is not less than sixteen persons a week; the average to be made on each account of time exhibited by the jailer. When the average is less than sixteen and not less than twelve prisoners a week, such sum not exceeding two dollars a week, as the county commissioners judge reasonable. When the average is less than twelve and not less than ten prisoners a week, such sum not exceeding two dollars and twenty cents a week, as the county commissioners judge reasonable. When the average is less than ten and not less than eight prisoners a week, such sum not exceeding two dollars and forty cents a week, as the county commissioners judge reasonable; and when the average is less than eight prisoners a week, such sum not exceeding two dollars and fifty cents a week, as the county commissioners shall judge reasonable.

Interested  
parties may  
appeal from  
adjudication  
of county  
com'rs to  
S. J. court.  
1881, c. 64, § 2.

SEC. 10. Any *person* [prisoner] or party interested in such adjudication of the county commissioners, *shall have the right to* [may] *appeal therefrom* to the supreme judicial court, if application for such appeal shall be made and filed with said commissioners within ten days after said adjudication *shall have been made*. Such appeal shall be entered at the term of *the* said *supreme judicial* court next begun *and held* in the same county after the expiration of said ten days; or, in case said county is a party or interested, at the term of said court next begun *and held* in any adjoining county designated in said application.

Copies of  
papers filed  
before coun-  
ty commis-  
sioners to be  
filed by ap-  
pellant in  
appellate  
court.  
1881, c. 64, § 3.

SEC. 11. The appellant shall file in the appellate court certified copies of all papers in the case before the county commissioners, and of the records, together with a declaration of his claim, to which the other party may reply, and the issue shall be formed, and the case tried and disposed of as other cases at common law.

## JURORS AND WITNESSES.

## CHAP. 116.

SEC. 12. The grand jurors and the jurors for trials, attending at the supreme judicial court, shall each be allowed two dollars *per* [a] day for their attendance, and six cents a mile for their travel out and home, to be paid out of the county treasury; and jurors attending before a sheriff, or on any other occasion prescribed by law, shall be allowed a like compensation.

Fees of jurors.  
R. S., c. 116,  
§ 11.  
54 Me., 398.  
56 Me., 307.  
69 Me., 597.

SEC. 13. Witnesses in the supreme judicial court shall receive a [one] dollar and fifty cents, and in the probate court, or before the county commissioners, one dollar for each day's attendance and six cents for each mile's travel going out and returning home; and before a justice of the peace and of the quorum, a trial justice, a judge of a municipal or police court, referees, auditors, or commissioners specially appointed to take testimony, fifty cents a day for attendance, and for travel, the same as at the courts aforesaid.

Fees of witnesses.  
R. S., c. 116,  
§ 13.

## ALLOWANCE TO PARTIES AND ATTORNEYS IN CIVIL CAUSES.

SEC. 14. To parties recovering costs in any court or before a trial justice, thirty-three cents for each day's attendance, and the same for every ten miles travel. In taxing costs in the supreme judicial court, attendance shall be allowed until the action is disposed of unless the court shall otherwise direct; but no more than ten days' attendance shall be allowed at any one term, for either party.

Costs taxed for parties, and attorneys.  
R. S., c. 116,  
§ 14.  
54 Me., 398.  
55 Me., 598.  
56 Me., 306.

When actions are defaulted [at] the first term, the plaintiff shall be allowed for attendance until the default is entered, but not exceeding ten days. At any subsequent term, if the defendant is defaulted after three days, no attendance shall be allowed the plaintiff after the day when the default happens, but not for more than six days in all, unless the action is entered on the trial docket; and then, not exceeding ten days in each term.

Costs in actions defaulted at first term.  
1872, c. 51.  
R. S., c. 116,  
§ 14.

Costs for travel shall be taxed for the prevailing party in civil suits, according to the distance of said party or his attorney who resides nearest to the place of trial, unless said prevailing party or his attorney who resides farthest from said place of trial, actually travels the greater distance for the special purpose of attending court in such cause, in which case costs for travel shall be taxed for said last named distance, and when the action is in the name of an indorsee, and the plaintiff is the prevailing party, 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, unless the attorney, payee or indorsee, residing the greater distance from said place of trial, actually travels such greater distance for the special purpose of attending court in said cause. But no costs for travel shall be allowed for more than ten miles

Costs for travel in civil suits, how taxed.  
1874, c. 200.

No cost al-

## CHAP. 116.

allowed for travel beyond a certain distance.

distance from any justice, municipal or police court, nor more than forty miles distance from any other court, unless the plaintiff prevailing actually travels a greater distance, or the adverse party, if he recovers costs, by himself, his agent or attorney, in fact travels a greater distance for the special purpose of attending court in such cause.

R. S., c. 116,  
§ 14.

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 municipal or police court or trial justice.

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. In cases of forcible entry and detainer, parties shall be allowed the same costs as in ordinary civil actions.

## COSTS TAXABLE FOR THE STATE IN CRIMINAL PROSECUTIONS.

Costs taxable for the state in criminal prosecutions.

R. S., c. 116,  
§ 15.

SEC. 15. For the attorney acting for the state, in all cases in the supreme judicial court, one dollar and twenty-five cents, unless there is a trial by jury, or an issue in law at the law court, in which case there shall be an additional charge of one dollar.

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

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

No attendance shall be taxed in cases of defaulted recognizances, other than *what* is taxed in the prosecutions in which they are taken, until the return of a writ of scire facias issued thereon.

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

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

Fines and costs to be paid to, and criminal expenses to be paid by, each county.

1872, c. 50.

1858, c. 41, § 2.

Criminal costs and expenses, how audited.

1872, c. 50.

1858, c. 41, § 3.

SEC. 16. All fines, forfeitures, and costs, enuring to the state shall be paid into the treasury of the county in which the offence is prosecuted, for the use of such county, and all the costs and expenses attending the administration of criminal justice shall be paid by the county in which the prosecution is made.

SEC. 17. The established forms and mode of proceedings in criminal prosecutions shall not be changed, and the costs and expenses thereof shall be examined and audited like other county expenses, but the supreme judicial [or superior] court shall continue to allow such bills of costs.

SEC. 18. The clerk of the courts in each county shall attest duplicate copies of all bills of costs allowed by said courts, and certificates of all fines and forfeitures imposed and accruing to the county, before the rising thereof or as soon thereafter as may be, and deliver one of said copies and certificates to the county treasurer and retain one himself for the use of the county commissioners.

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Clerk of courts to attest duplicate copies of criminal bills of costs. 1872, c. 50. 1858, c. 41, § 4.

SEC. 19. Each county treasurer shall, at the close of each [criminal] term of the supreme judicial [or superior] court in his county, and at the court of county commissioners, publish in some paper printed in said county three weeks successively, a list containing the aggregate amount of cost allowed in each case, and specifying the court or magistrate that allowed the same and before whom the case originated.

County treasurer to publish list of each term's bills of criminal costs. 1872, c. 50. 1858, c. 41, § 5.

#### FEES OF THE SECRETARY OF STATE.

SEC. 20. For a certificate under the seal of the state, one dollar; and for all copies, at the rate of twelve cents a page, if such certificate or copies are for the benefit of particular persons.

Secretary of state. R. S., c. 116, § 16.

#### FEES OF REGISTERS OF DEEDS.

SEC. 21. For recording a deed or mortgage, fifty cents.

Register of deeds. R. S., c. 116, § 17.

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

For recording a levy, one dollar and fifty cents, and the same sum for certified copies of these instruments, as for recording them; and said register shall make an alphabet to each volume of records and such indexes as heretofore made, without charge to the county.

For recording levy.—copies.—alphabet and indexes free. 1879, c. 129.

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

Discharge of mortgage. R. S., c. 116, § 17.

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

For receiving, filing, and recording certificates of breeding stallions, fifty cents for each certificate of not more than one page, and twenty-five cents more for each additional page.

Stallions' certificates. 1873, c. 135, § 1. See c. 7, § 17; c. 38, § 58.

For filing and indexing copy of proviso against a domestic corporation, twenty cents, to be paid by the officer serving it.

Process v. domestic corporation. 1880, c. 192, § 2. See c. 81, § 20.

For receiving, filing, and recording certificate and description of homestead, fifty cents. The above fees are to be paid when the instrument is offered *to be recorded*. [for record.]

Homestead exemption. R. S., c. 116, § 17. See c. 81, § 64.

#### FEES FOR SOLEMNIZATION OF MARRIAGES.

SEC. 22. Every ordained minister or justice of the peace, who lawfully solemnizes a marriage and certifies the same, shall be entitled to receive therefor one dollar and twenty-five cents.

Fees for solemnization of marriage. R. S., c. 116, § 18.

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## FEES OF TOWN CLERKS.

Town clerks.  
R. S., c. 116,  
§ 19.

See c. 38, § 57.

SEC. 23. Town clerks shall receive for entering and recording intentions of marriage, giving certificate of same, and recording marriage on receiving the minister's or justice's certificate thereof, fifty cents, to be paid on issuing the certificate of intention of marriage. For recording births and deaths, eight cents each. For a certificate of a birth or death, ten cents. For recording sheep marks, eight cents.

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

*Fish.*

Inspectors,  
weighers,  
measurers  
and survey-  
ors, &c.  
R. S., c. 116,  
§ 20.

SEC. 24. For each certificate of exportation, seventeen cents; for inspecting and branding each tierce, ten cents; each barrel, seven cents; each box of smoked herrings or alewives, one cent; exclusive of the labor and expense of coopering; all which shall be paid by the seller.

*Beef and Pork.*

For each barrel, inspecting and branding, twelve and a half cents; cutting, weighing, and packing, ten cents; and for coopering, ten cents.

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

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

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

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

The inspector shall not be entitled to receive of their deputies more than at the rate of one fifth of the fees by them received for the above specified services.

*Pot and Pearl Ashes.*

For inspecting and assorting, seven cents *per* [a] hundred pounds; for coopering and nailing each cask and putting the same in shipping order, eight cents, to be paid by the purchaser.

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

*Lime.*

1881, c. 92.

For each cask inspected and branded, one eighth of one mill;

and two dollars and fifty cents for each day employed in inspecting; and in that proportion for any part of a day.

Each inspector shall receive from his deputy the one eighth of one mill for each cask inspected and branded by the deputy.

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R. S., c. 116,  
§ 20.  
1881, c. 92.

#### *Lumber.*

To surveyors of boards, plank, timber and joist, for viewing only, six cents *per* [a] thousand feet; for measuring and marking the same, six cents more; and in that proportion for any part of a thousand, to be paid by the buyer.

R. S., c. 116,  
§ 20.

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

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

#### *Mill Logs.*

To the surveyors, at the rates of four cents *per* [a] thousand feet board measure for viewing and inspecting, and two cents *per* [a] thousand, in addition, for measuring and marking the quantity and quality of the logs, and making out and delivering certificates of the same, to be paid by the purchaser. .

#### *Firewood and Bark.*

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

#### *Weights and Measures.*

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

#### *Fire Arms.*

Each prover shall be entitled to receive for each barrel proved, twenty-five cents, in addition to the expense of the powder necessarily used in the trial, whether the barrel stands the proof and is marked, or not.

#### GENERAL PROVISIONS.

SEC. 25. The inspectors of the several kinds of merchandise, commissioned by the governor, when they see cause, may require

Inspectors  
may require  
returns from

**CHAP. 116.** their deputies to render to them, under oath, a true account of the official services performed by them.

deputies.  
R. S., c. 116,  
§ 21.

What constitutes a written page, &c.  
R. S., c. 116,  
§ 22.

**SEC. 26.** Two hundred and twenty-four words shall constitute a written "page," if the writing contains that number, and where no other rule is provided, public officers shall be allowed for copies which they are required by law to furnish, twelve cents a page; for affixing an official seal to the same, when necessary, twenty-five cents more.

Fees not provided for.  
R. S., c. 116,  
§ 23.

**SEC. 27.** In all cases not expressly provided for, the fees of all public officers, for any official service, shall be at the same rate as are prescribed in this chapter for like services.

Fee tables to be exposed to view.  
R. S., c. 116,  
§ 24.

**SEC. 28.** Every officer, whose fees are regulated by law, shall constantly keep a printed or legibly written list and description of such fees, exposed to public view in his stated place of business, if he has any.

Fees for entering appeal to be taxed and paid as other fees.  
R. S., c. 116,  
§ 25.

**SEC. 29.** No trial justice, or judge or other officer of any municipal or police court, shall at the time receive any fees for entertaining an appeal or taking a recognizance to prosecute it, in a criminal case. The legal fees therefor may be taxed in the bill of costs, and certified and paid as other fees are.

#### PENAL PROVISIONS.

Account of items, in writing, may be required.  
R. S., c. 116,  
§ 26.

**SEC. 30.** Every officer or other person upon receiving any fees herein stated, if required by the person paying them, shall make a particular account thereof, in writing; specifying for what they accrued, or he shall forfeit to such person treble the sum paid, to be recovered in an action of debt.

Penalty for overcharging costs on justice writs.  
R. S., c. 116,  
§ 27.

**SEC. 31.** If any attorney at law or other person demands or takes for a writ of attachment with a summons, or for an original summons with the declaration, returnable before a trial justice, judge or recorder of a municipal or police court, more than fifty-seven cents from the defendant; or, in the taxation of costs, such justice, judge, or recorder, taxes or allows more than that sum for the same, he shall forfeit to the defendant not less than five, nor more than ten dollars, to be recovered in an action of debt.