

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

United States and of the State of Maine,

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

APPENDIX.

PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

Augusta:

PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE.

.....
1841.

addition, one half of all the fees of office to them respectively accrued, over that sum or proportional part thereof, as their salaries.

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

SECT. 5. Whenever the register of probate shall be unable from sickness, or shall, from any other cause, neglect to do the duties of his office, the judge of probate for the same county shall certify, to the county treasurer, the fact of such inability or neglect, and the time of its commencement and termination; and what person has performed the duties of register in the mean time.

SECT. 6. The county treasurer shall not pay to the said register any portion of the salary, that may accrue from the time when it thus appears he ceased to perform his duties, but the same shall be paid to the person certified, as aforesaid, to have performed said duties, until the register shall resume the same, or a new register shall be appointed.

SECT. 7. Each county shall provide all books necessary for keeping the records in the registry of probate and all necessary printed blanks; but all other stationery, and all the incidental expenses of the office shall be considered, as provided by the salary of the register.

Compensation of counselors, senators and representatives, secretary of the senate and clerk of the house of representatives. 1823, 216. 1824, 273, § 1.

Inability or neglect of the register of probate, to be certified by the judge, to the county treasurer. 1830, 483, § 1.

Register prohibited to receive a proportional part of the salary. 1830, 483.

County to provide books for records and blanks. Register to furnish stationery and incidentals. 1826, 343, § 4.

CHAPTER 151.

OF THE REGULATION OF FEES AND OF COSTS IN CERTAIN CASES.

- SECT. 1. Fees of justices of the peace.
2. Judges of municipal and police courts.
3. Clerks of the judicial courts. District court. Supreme judicial court. Court of county commissioners.
4. Sheriffs and their deputies.
5. Coroners, for similar services.
6. Costs of inquests on dead bodies.
7. Fees of constables.
8. Jailers.
9. County commissioners.
10. Jurors.
11. Duty on jury trials, to be paid to the clerk.

- SECT. 12. Fees of witnesses.
13. Allowance to parties and attorneys, in civil causes. Costs in actions, brought to the higher courts, which a justice of the peace might try.
14. Costs taxable, for the state, in criminal prosecutions.
15. Of probate fees.
16. Expenses of partition, or assignment of dower, in probate court, to be paid by parties; except when the judge may require executors, &c. to pay.
17. Fees of the secretary of state.
18. Register of deeds.

- CHAP. 151. SECT. 19. Fees for solemnization of marriages.
20. Fees of town clerks.
21. Fees of inspectors, weighers, measurers and surveyors: Fish; clams; beef and pork; butter and lard; hops; tobacco; onions; pot and pearl ashes; lime; lumber; mill logs; firewood and bark; weights and measures; and fire arms.
22. Inspectors may require returns from their deputies, under oath.
23. What constitutes a page. Fees for copying and annexing certificates, in general cases.
- SECT. 24. On appeals to higher courts; original papers to be carried up.
25. Of fees, not expressly provided for.
26. Fee tables, to be exposed to view, in offices.
27. Account of items, in writing, may be required by party paying. Penalty.
28. Penalty for overcharging costs on justice writs, by attorneys or others.

The fees, chargeable by public officers, for the services hereinafter mentioned, and the costs, taxable in civil suits and criminal prosecutions, shall be as provided in this chapter.

FEES OF JUSTICES OF THE PEACE.

Fees of justices
of the peace.
1821, 105, § 1.
1835, 178, § 7.

SECTION 1. For every blank writ of attachment and summons 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, including filing of papers, swearing of witnesses, examining, allowing and taxing the bill of costs, and entering up 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 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 notifications to the parties and witnesses, at the rate of twelve cents, a page; the justice, who shall take such affidavit, deposition or disclosure, shall certify the fees of himself, of the witnesses or party disclosing, and of the officer serving the notifications.

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

Administering an oath in all cases, except on a trial or examination before himself, and to qualify town or 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, provided it be done at one and the same time, and certifying the same, seventeen cents.

Granting a warrant of appraisement 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 wit-

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

1835, 195, § 16.

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

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.

SECT. 2. Except when otherwise expressly provided, the fees of the judge of any municipal or police court, whether in civil or criminal proceedings, shall be taxed in the same manner, and at the same rate, as the fees of justices of the peace, so far as applicable.

Judges of municipal and police courts.
1825, 294, § 4.

Whenever any such judge shall receive a stated salary for his services, from the treasury of the county, he shall account under oath to the treasurer of said county, for all fees accruing to him in said capacity, towards his salary; 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.

SECT. 3. FEES OF THE CLERKS OF THE JUDICIAL COURTS.

First. For services, as clerks of the district courts:

Clerks of the judicial courts.
District court.
1821, 105, § 1.

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

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

1835, 182, § 2.

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

Entering an appeal and recognizing principal and sureties, fifteen 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, 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;

CHAP. 151. 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 witnesses, ten cents ; a subpoena, 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, including the recording of the judgment of the court thereon, examining and casting the bill of costs, and filing the papers, sixty five cents ;

Discharging a recognizance, ten cents ;

Each warrant for a criminal, twenty cents ;

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

Second. For services of clerks of the supreme judicial courts :

The fees to be taxed by the clerk in all actions entered in this court, and also for other services not hereinafter otherwise stated, shall be the same, as is or may be allowed to him, as clerk of the district court :

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

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 ;

1821, 105, § 1. 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, fifteen cents.

Third. For services as clerks of the county commissioners :

Court of 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 other papers, twelve cents a page ; and

For the entry of a petition, fifty cents.

Sheriffs and their deputies. **SECT. 4. FEES OF SHERIFFS AND THEIR DEPUTIES.**

1821, 105, § 1. 1829, 445, § 1. 15 Maine, 463. 6 Pick. 375. For the service of an original summons or scire facias, either by reading the same or by copy, or for the service of a capias or attachment with summons, on one defendant, twenty five cents ; if served on more than one defendant, then twenty five cents more, for each defendant, upon whom the process is served.

If the sheriff or his deputy, by the written direction of the plain-

tiff, his agent or attorney, shall make a special service of any writ of attachment by attaching property, he shall receive therefor fifty cents, including the summons thereon; or, if by taking the body on a *capias*, he shall be allowed fifty cents, for each defendant on whom such writ shall be so served.

Where the officer is by law directed to leave a copy, in order to complete the service, or shall give a copy of any precept upon demand thereof, 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 tax and receive fifteen cents, for leaving with the register of deeds an attested copy of his return and other particulars, as required in section, thirty two, of chapter, one hundred and fourteen; and, in lieu of travel, such postage as is legally chargeable from the post office nearest the residence of the officer; and he shall pay the register ten cents, and tax the same with his own fees. 1838, 344, § 2.

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 a subpoena, 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; also the officer may charge, for his actual necessary travel, at the rate of four cents a mile, the usual way to the place of service, with all sums actually paid by him for boat hire, and crossing any toll bridge or ferry, in making such service; and any such service on an adverse party, by giving him an attested copy of the notice in hand, shall be valid, notwithstanding some other mode of service may have been prescribed. 1836, 228, § 2.

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. 1829, 445, § 1.

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 causing appraisers to be sworn, and making return of levy on real estate, fifty cents. 1825, 309, § 1.

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. 1821, 105, § 1.

For advertising, to be sold on execution, a right in equity of redeeming mortgaged real estate, in a public newspaper, such sum 1825, 309, § 1.

CHAP. 151. as he shall pay 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.

1825, 309, § 1.

When the estate, right, title or interest of any person, held or claimed in virtue of a possession or improvement, shall be seized on execution and sold, as provided in the twenty ninth section of chapter, one hundred and forty five, or when the franchise or other property of any corporation, or the property of any individual is required to be sold on execution, by a process similar thereto and advertising in like manner, the officer shall be entitled to the like fees and remuneration, as is allowed in the sale of any equity of redemption.

1825, 309, § 1.

The fees of the register of deeds, for recording any levy upon 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 appraisalment, to cause the execution, and his return thereon, to be recorded by the register of deeds of the county where the land lies, within three months after such levy.

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

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

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

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

1829, 445, § 1.

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

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

For distributing venires for jurors, eight cents, each; treasurer's

warrants, twenty five cents, each; for proclamations of all kinds, CHAP. 151.
five cents, each.

For transmitting to the selectmen of towns precepts from the governor, for calling special meetings for the elections of representatives to congress from any district, with copies of the lists of persons previously voted for, for each town, fifty cents. 1833, 68, § 6.

For each day's attendance by the sheriff on the supreme judicial court, or on the district court, three dollars; to be paid from the county treasury. 1828, 408, § 1.

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

For services under the provisions of chapter, one hundred and forty eight, 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 commitment of a prisoner, when remanded under the provisions of the said chapter, twenty five cents; and no dollarage or commission shall be allowed to the officer for an arrest or commitment upon execution, or mesne process, under the provisions of chapter, one hundred and forty eight, except upon so much money as shall be actually collected. 1835, 195, § 16.

SECT. 5. Coroners shall be entitled to the same fees, as sheriffs, for similar services, necessary to be performed by them, excepting where otherwise expressly provided. Coroners, for similar services. 1821, 105, § 1.

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.

SECT. 6. OF INQUESTS ON DEAD BODIES.

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, viz: Costs of inquests on dead bodies. 1821, 105, § 1.

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, but their death being caused by the same means, twenty cents, for each body, after the first.

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.

SECT. 7. 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 constables. 1821, 105, § 1. 1831, 507, § 2.

SECT. 8. The jailer's fees shall be, on the commitment or discharge of a prisoner, twenty cents; for dieting each prisoner, such sum weekly, and in such proportion for a longer or shorter period, as the county commissioners shall judge reasonable, not exceeding one dollar, a week, for persons charged with, or convicted of crimes against the state, and, in other cases, not exceeding one dollar and twenty five cents. Jailers. 1821, 82, § 8. 1821, 105, § 1. 1821, 122, § 14.

CHAP. 151.

County commissioners.
1833, 79, § 5.

Jurors.
1821, 105, § 2.
1827, 363.

Duty on jury trials to be paid to the clerk.
1821, 105, § 2.

Fees of witnesses.
1821, 105, § 1.
1830, 470, § 2.
1835, 178, § 8.
11 Pick. 241.

Allowance to parties and attorneys in civil causes.
1821, 105, § 1.
1835, 165, § 4, 5.
1838, 336, § 1.

SECT. 9. The fees of the county commissioners shall be two dollars and fifty cents per day, for their time, when actually employed, and one dollar for every ten miles' travel, and in the same proportion for a longer or shorter time or distance; subject to the conditions prescribed in the thirteenth section of chapter, ninety nine.

SECT. 10. The grand jurors and the jurors for trials, attending at the supreme judicial court or district court, shall each be allowed one dollar and fifty cents, 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 one dollar per day, and four cents, a mile, travel each way.

SECT. 11. There shall be paid to the clerk of the supreme judicial court, and of the district court, respectively, by the plaintiff, or appellant, seven dollars for the trial by jury of each civil action, for the use of the county; to be taxed with his costs, if he prevail; and the clerk shall forthwith pay over the same to the county treasurer.

SECT. 12. Witnesses, whether in the supreme judicial court, district court, probate court, or before the county commissioners, shall receive one dollar, for each day's attendance, and four cents, for each mile's travel, going out and returning home; and, before a justice of the peace, a judge of a municipal or police court, or 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.

SECT. 13. ALLOWANCE TO PARTIES AND ATTORNEYS IN CIVIL CAUSES.

To parties recovering costs in any court, or before a justice of the peace, thirty three cents, for each day's attendance, 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 shall have appeared and made answer to the plaintiff's suit; in which case, if the defendant is defaulted after the expiration of three days, no attendance shall be taxed for the plaintiff, after the day when the default shall happen, and, in no case, for more than six days in all, unless the action shall have been entered on the trial docket, as provided in section, one hundred, of chapter, one hundred and fifteen; 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, whichever may be nearest to the place of trial; and, when the action shall be in the name of an indorsee, such costs for travel shall be taxed according to the distance of the attorney, payee or indorsee, whichever shall be nearest to the place of trial; provided, that 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, shall actually travel a greater distance, or the adverse party, if he recover costs, shall, by himself or his agent or attorney, travel 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, if in the supreme judicial court or district 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, if in the supreme judicial court, and one dollar and fifty cents, if in the district court.

If, in any action originally brought before the supremè judicial court or any district court, it shall appear 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 amount of the debt or damage, so recovered; provided, that on any report of referees full costs may be taxed for the prevailing party, unless the report otherwise provide.

Costs in actions brought in the higher courts, which a justice of the peace might try. 1821, 59, § 30. 8 Greenl. 106, 138.

SECT. 14. COSTS TAXABLE FOR THE STATE, IN CRIMINAL PROSECUTIONS.

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

Costs taxable for the state, in criminal prosecutions. 1821, 105, § 1.

For the indictment, in the supreme judicial court, one dollar and twenty five cents, and in any district court sixty 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.

1836, 248, § 1.

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.

1836, 216, § 2. 1839, 409.

SECT. 15. OF PROBATE FEES.

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

Of probate fees. 1821, 105, § 1.

To executors, administrators, guardians and trustees, one dollar for every ten miles' travel, to and from the court, and one dollar, for each day's attendance; and a commission, at the discretion of the judge of probate, whether the account shall be settled at one or more times, not exceeding five per cent. on the amount of personal assets, that may come to their hands; having regard to the nature, liability and difficulty, attending their respective trusts. In cases, where legal counsel is necessary, a reasonable sum for professional aid shall be allowed at the discretion of the judge.

1830, 470, § 2.

To appraisers on estates, and to commissioners for receiving claims against insolvent estates, and to commissioners appointed to make division of estates, and for assigning and setting out a widow's

CHAP. 151. dower, not exceeding two dollars a day for the time actually employed, including travel and expenses.

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

Expenses of partition, or assignment of dower in probate court, to be paid by parties; except when the judge may require executor, &c. to pay.
1821, 51, § 37.
1830, 470, § 2.

SECT. 16. When any partition of real estate or assignment of dower shall be made, by order of any judge of probate, the expenses thereof shall be paid by the respective parties interested in said estate, in proportion to their interest; excepting that, when such expenses accrue prior to the closing of the final account of any executor or administrator of the deceased owner of any such real estate, having in his hands sufficient personal assets for the purpose, the judge of probate, if he see fit, may order the same to be paid by such executor or administrator, and allow the same in his account; provided as follows:

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

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

Fees of the secretary of state.
1821, 105, § 1.

SECT. 17. FEES OF THE SECRETARY OF STATE.

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

Register of deeds.
1821, 105, § 1.

SECT. 18. FEES OF THE REGISTER OF DEEDS.

For entering and recording a deed or other paper, twelve cents, a page.

For certifying on the original the time when, and book and page where, the same is recorded, five cents.

The above fees are to be paid when the instrument is offered to be recorded.

For all copies, at the rate of twelve cents, a page.

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

1838, 344, § 3.

For receiving of an officer, a copy of any return of attachment of real estate, minuting on the same, the time when it is received, keeping the same on file for the inspection of those, who may be interested, and entering the same in a book to be kept by the register for the purpose, ten cents.

Fees for solemnization of marriages.
1821, 105, § 1.

SECT. 19. Every ordained minister, or justice of the peace, who shall lawfully solemnize a marriage and certify the same, shall be entitled to receive therefor, one dollar and twenty five cents.

Fees of town clerks.
1821, 105, § 1.

SECT. 20. FEES OF TOWN CLERKS.

For publishing the banns of matrimony, recording the same, giving a certificate of the publication and recording the marriage on receiving the minister's or justice's certificate thereof, fifty cents; to be paid on issuing a certificate of the publication.

For recording births and deaths, eight cents each.

For a certificate of a birth or death, ten cents.

SECT. 21. FEES OF INSPECTORS AND THEIR DEPUTIES, WEIGH-
ERS, MEASURERS AND SURVEYORS.

CHAP. 151.

Fees of inspec-
tors, weighers,
measurers and
surveyors.

Fish.
1821, 150, § 19.

Of fish.

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, two cents; exclusive of the labor and expense of coopering: all which shall be paid by the seller.

Of clams.

For inspecting and branding each barrel, ten cents, and each half barrel, six cents, exclusive of the labor and expense of packing and coopering; the fees for inspecting and branding to be paid by the purchaser, and for packing and coopering, by the seller.

Clams.
1839, 379, § 6.

Of 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.

Beef and pork.
1822, 208, § 1.
1823, 239, § 1.

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 shall be 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, as provided in section, fourteen, of chapter, fifty, six cents for every two hundred pounds.

1839, 387, § 5.

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.

1832, 18, § 4.

The inspectors 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.

1822, 208, § 3.

Of butter and lard.

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

Butter and lard.
1822, 208, § 2.
1823, 239, § 2.

Of hops.

For inspecting, marking, weighing and delivering an attested schedule of the same, at the rate of ten cents for every hundred pounds, to be paid by the purchaser; exclusive of the charges of repacking and mending the bales or *packets*, [pockets] when necessary, which shall be paid by the vender; and also exclusive of storage, if stored by the inspector more than thirty days after inspection, but including storage, if for less than that time.

Hops.
1821, 152, § 2,
13.
1836, 202, § 2.

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

1821, 152, § 5.

CHAP. 151.

Of tobacco.

Tobacco.
1821, 154, § 8.

For every cask inspected and proved, twenty cents, if the number does not exceed four, and twelve cents, for each cask exceeding that number, exclusive of cooperage, and to be paid by the shipper.

Of onions.

Onions.
1821, 154, § 12.

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

Of pot and pearl ashes.

Pot and pearl
ashes.
1821, 151, § 10.

For inspecting and assorting, seven cents per hundred pounds; for coopering and nailing each cask and putting the same in shipping order, eight cents; the charges 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.

Of lime.

Lime.
1821, 156, § 6.
1828, 393, § 1.
1839, 403, § 5.

For each cask inspected and branded, 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 only one mill for each cask, inspected and branded by the deputy.

Of lumber.

Lumber.
1821, 158, § 11.

To the surveyors of boards, plank, timber and slit work, for viewing only, six cents per 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.

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

To the viewers and cullers of staves and hoops, for barrel staves, twenty five cents per thousand, and for hogshead and butt staves, thirty three cents per 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 thousand.

Of mill logs.

Mill logs.
1829, 447, § 2.

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

Of firewood and bark.

Firewood and
bark.
1821, 160, § 2.

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

Of weights and measures.

Weights and

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.

CHAP. 151.
measures.
1833, 306.

Of 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 shall stand the proof and be marked, or not.

Fire arms.
1821, 162, § 2.

SECT. 22. The inspectors of the several kinds of merchandise, commissioned by the governor, may, whenever they see cause, require their respective deputies to render to them, under oath, a true account of the official services by them performed.

Inspectors may require returns from their deputies, under oath.
1823, 398.

SECT. 23. The word, "page," when used as the measure of the contents of any record or written paper, shall mean two hundred and twenty four words, if the writing contains that number; and, in all cases where no other rule is provided, the allowance to public officers for any copies, which they are by law required to furnish, shall be at the rate of twelve cents, a page, including the alteration of the same; for affixing an official seal to the same, when necessary, twenty five cents more.

What constitutes a page. Fees for copying and annexing certificates in general cases.
1821, 105, § 1.

SECT. 24. In all cases carried from before a justice of the peace, or municipal, police, district or probate court to a higher tribunal, all depositions and other original papers, excepting the writ, complaint, summons, citation or other process, by which the action is commenced, and the return of notice by the officer or other person serving the same, and the pleadings, shall be certified by the justice, recorder, clerk or register, and carried up without leaving copies; unless for special reasons otherwise ordered by the court, having the original jurisdiction.

On appeals to higher courts, original papers to be carried up.
1821, 105, § 1.

SECT. 25. 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.

Of fees, not expressly provided for.

SECT. 26. 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 have one.

Fee tables, to be exposed to view, in offices.
1821, 105, § 3.

PENAL PROVISIONS.

SECT. 27. Every officer or other person, upon receiving any such fees, as are stated in this chapter, shall, if required by the person paying the same, make out a particular account of such fees in writing, specifying for what they accrued, upon pain of forfeiting to the party paying such fees, treble the sum paid; to be recovered in an action of debt.

Account of items in writing, may be required by party paying. Penalty.
1821, 105, § 4.
1822, 208, § 4.

SECT. 28. If any attorney at law, or other person, shall demand and take for any writ of attachment, with a summons, or for any original summons, made returnable before any justice of the peace, or judge or recorder of any municipal or police court, together with the declaration therein contained, more than fifty seven cents of any defendant in such suit, or if, in the taxation of costs in any such suit, such justice, judge or recorder shall tax, or allow to be taxed,

Penalty, for overcharging costs on justice writs, by attorney or others.
1839, 374, § 1.

CHAP. 151. more than that sum for the same, the person so offending, shall forfeit and pay to the defendant, paying the same, or against whom the same shall be taxed, not less than five dollars, nor more than ten, to be recovered in an action of debt.

CHAPTER 152.

OF THE TAXATION OF COSTS; AND THE COLLECTION AND DISPOSAL OF FINES AND COSTS, IN CRIMINAL PROSECUTIONS.

ARTICLE I. OF COSTS TAXED FOR JUSTICES OF THE PEACE, CIVIL OFFICERS AND WITNESSES.

- SECT. 1. Costs to be taxed, for the justice, only on one complaint and warrant, unless more are necessary.
2. When party is ordered to recognize, justice to receive no fees, unless the grand jury find a bill.
 3. Officers to be examined under oath, as to special charges made by them.
 4. What witnesses the justice may summon and recognize, in cases before himself.
 5. What witnesses he may summon in other cases.
 6. Witnesses' fees to be paid in advance, if summoned by party prosecuted.
 7. No allowance to the complainant in any capacity, unless to persons required, officially, to complain.
 8. Only one travel and attendance allowed to witnesses, though summoned in several causes.
 9. When witnesses' fees for attendance may commence in the S. J. C.
 10. When the justice may receive the costs, and pay over to those entitled thereto.
 11. Disposal of fees, not called for within a year.
 12. Certain bills of costs, to be allowed by the county commissioners.
 13. If either of the C. C. be interested, judge of the district court to take cognizance thereof.
 14. In cases carried from a justice to a higher court, costs to be certified.
 15. Jurisdiction of S. J. C. and D. C. as to costs.
 16. Of expenses of supporting prisoners in jail.

ARTICLE II. OF THE COLLECTION AND DISPOSAL OF FINES AND COSTS, ACCRUING TO THE STATE OR COUNTY.

- SECT. 17. Certificates of fines and costs, required from the clerk of the judicial courts.
18. Duty of clerks to collect fines and costs, or issue process.
 19. Officers to pay over to county treasurer, fines and costs, collected.
 20. Penalty for their neglect. Treasurer's duty.
 21. Officers receiving warrants, &c. for collection, to produce receipts to the court, or give a good excuse.
 22. Justices of the peace to account for, and pay over fines, &c. to treasurer of county or town, &c.
 23. County treasurers to account with state treasurer.
 24. Fees allowed to individuals must be claimed within three years.
 25. County treasurer to account to the governor, &c. for unclaimed moneys, and for fees allowed the attorneys for the state.
 26. County treasurer to account to the county for jury fees, and for jailer's charges, &c.
 27. Fines and costs in justices' prosecutions, how appropriated.
 28. Sheriff to deliver over certain securities to the county treasurer.
 29. Treasurer to exhibit a schedule of the same to the commissioners.
 30. Proceedings of commissioners thereon.
 31. Secretary of state to compare the treasurer's books with returns of the clerks, &c.
 32. Secretary's duty, as to unpaid fines.
 - 33, 34, 35. Proceedings of the county attorney, in reference to delinquents.